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Microcopy No. 215

MINUTES OF THE SUPREME COURT OF THE UNITED STATES

Roll 36

October 4, 1937 - June 5, 1939

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

Washington: 1954

NOTES ON ROLL 36

The two volumes reproduced on this roll have the following backstrip titles: (1) "Minutes / 1937 / Supreme Court / of the / United States" and (2) "Minutes / 1938 / Supreme Court / of the / United States." They contain the minutes of the Supreme Court of the United States from October 4, 1937, to June 5, 1939.

The first volume contains the minutes of the Court from October 4, 1937, to May 31, 1938, and the second, from October 3, 1938, to June 5, 1939.

VOLUME

1937

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MONDAY, OCTOBER 4, 1937.

At the Supreme Court Building, in the City of Washington, and District of Columbia, being the present Seat of the National Government of the United States, on the first Monday of October (being the 4th day of the same month) in the year of our Lord one thousand, nine hundred and thirty-seven and of the Independence of the United States the one hundred and sixty-second, The Supreme Court of the United States met agreeably to law.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black,
Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. W. D. Jamieson, It is ordered that Maurice Rose, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Hon. Homer S. Cummings, Attorney General of the United States, It is ordered that Max Spelke, Esquire, of Stamford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that John C. Gall, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Mabel Walker Willebrandt, It is ordered that Rose S. Phillips, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Stanley, It is ordered that Gordon Lawson, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Randolph Neal, It is ordered that John R. Todd, Jr., Esquire, of Kingsport, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman E. Kane, It is ordered that Bernard H. Fitzpatrick, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Littleton, It is ordered that James A. Hanley, Esquire, of Franklin, State of New Hampshire, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Littleton, It is ordered that Edwin R. Boyd, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Horace Hafer, It is ordered that Macey E. Klein, Esquire, of Harrisburg, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Horace Hafer, It is ordered that Solomon Hurwitz, Esquire, of Harrisburg, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam W. Wassell, It is ordered that Blanchard S. Tual, Esquire, of Rogers, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that John R. Stivers, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Errett G. Smith, It is ordered that Thomas F. Ryan, Esquire, of Reno, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Joseph V. Heffernan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that John W. Bonner, Esquire, of Helena, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. Ennalls Berl, It is ordered that Josiah Marvel, Jr., Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that John N. Cramer, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. Ennalls Berl, It is ordered that David F. Anderson, Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. Hilton Jackson, It is ordered that Louis N. Goessy, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bartholomew W. Butler, It is ordered that David Goldstein, Esquire, of Asbury Park, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Trammell, It is ordered that Israel T. Deyo, Esquire, of Binghamton, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Trammell, It is ordered that Martin W. Deyo, Esquire, of Binghamton, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Llewellyn A. Luce, It is ordered that George T. Altman, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard L. Merrick, It is ordered that Clifford A. Sheldon, Esquire, of Lake Mills, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas L. Hatch, It is ordered that Henry J. Camby, Esquire, of East Orange, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin W. Meyer, It is ordered that Wheeler Grey, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas C. Billig, It is ordered that Joseph E. McElvain, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis B. Montfort, It is ordered that Robert F. McArdle, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis B. Montfort, It is ordered that Edward J. McArdle, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vernon E. Hodges, It is ordered that H. Hamlin Hodges, Esquire, of Bethesda, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Roy Smith, It is ordered that Frederic A. Millerd, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Roy Smith, It is ordered that John McLean Clifford, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Roy Smith, It is ordered that John F. McCarthy, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry C. Robb, It is ordered that John E. McAniff, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Cobb, It is ordered that J. Flipper Derricotte, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Felix A. Russell, It is ordered that Jay D. Bradley, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Felix A. Russell, It is ordered that Bernard James Weafer, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert von Moschzisker, It is ordered that Boyd Lee Spahr, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Granville Munson, It is ordered that Francis J. Duffy, Esquire, of Yonkers, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sydney Bert Goldman, It is ordered that Carlton M. Robson, Esquire, of Kalamazoo, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfons B. Landa, It is ordered that Clyde A. McCoy, Esquire, of Ft. Wayne, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"Mr. Hugo L. Black of Alabama, former member of the Senate of the United States, has been nominated by the President for the office of Associate Justice of this Court and his nomination has been confirmed by the Senate. He has presented his commission which will be filed together with his oath which he has heretofore taken in the form prescribed by law."

Which said commission and oath are in the following words and figures, viz:

"FRANKLIN D. ROOSEVELT,

President of the United States of America.

To all who shall see these Presents, Greeting:

KNOW YE; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Hugo L. Black, of Alabama, I have nominated, and, by and with the advice and consent of the Senate, do appoint him an Associate Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Hugo L. Black, during his good behavior.

In testimony whereof I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

S E A L

Done at the City of Washington this eighteenth day of August, in the year of our Lord one thousand nine hundred and thirty-seven, and of the Independence of the United States of America the one hundred and sixty-second.

(signed) Franklin D. Roosevelt.

By the President:

(signed) Homer S. Cummings

Attorney General."

"OATH OF OFFICE FOR UNITED STATES JUDGES

(Sections 712 and 1757, Revised Statutes.)

I, HUGO L. BLACK, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as an Associate Justice of the Supreme Court of the U. S., according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of which I am about to enter. SO HELP ME GOD.

(signed) Hugo L. Black

Subscribed and sworn to before me, this 19th day of August, 1937.

(signed) Charles F. Pace

Notary Public of the District of Columbia.

S E A L

Notary Public

District of Columbia My commission expires January 31, 1941.

Official residence*

Date of birth February 27, 1886.

Date of entry on duty August 19, 1937.

*Sec. 259, Judicial Code."

Ex Parte Patrick Henry Kelly.

—, Original.

Mr. Patrick Henry Kelly submitted a motion requesting a hearing on the title of Mr. Justice Black as a member of this Court.

Ex Parte Albert Levitt,

Petitioner,

—, Original.

Mr. Albert Levitt submitted a motion for leave to file a petition for an order requiring Mr. Justice Black to show cause why he should be permitted to serve as an Associate Justice of this Court.

State of Indiana, ex rel. Dorothy Anderson,

Petitioner,

256 vs.

Harry Brand, Trustee, et al.

Motion for leave to file brief of Respondent in opposition to petition for writ of certiorari submitted by Mr. George C. Gertman for the Respondent.

State of Indiana, ex rel. Dorothy Anderson,

Petitioner,

256 vs.

Harry Brand, Trustee of Chester School Township of Wabash County, Indiana.

ON CONSIDERATION of the motion of counsel for the Respondent for leave to file brief in opposition to the petition for certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Iron Ross, as Receiver of the First National Bank of Perry, etc.,

Petitioner,

32 vs.

W. V. Knott, as Treasurer of the State of Florida, et al.

Motion for leave to substitute the party petitioner submitted by Mr. George P. Barse for the Petitioner.

Iron Ross, as Receiver of the First National Bank of Perry, etc.,

Petitioner,

32 vs.

W. V. Knott, as Treasurer of the State of Florida, et al.

The resignation of Iron Ross, as Receiver of the First National Bank of Perry, and the appointment of M. G. McNair, as his successor, having been suggested,

It is, on motion of counsel for the petitioner, ordered by this Court that M. G. McNair, present Receiver of the First National Bank of Perry, be substituted and made the party petitioner in this cause.

Per Mr. Chief Justice Hughes.

Royal Indemnity Company, et al.,

Petitioners,

411 vs.

Robert J. Hoage, Deputy Commissioner, etc., et al.

Motion for leave to substitute a party respondent submitted by Mr. Frank H. Myers for the petitioners.

Royal Indemnity Company, a Corporation, et al.,

Petitioners,

411 vs.

Robert J. Hoage, Deputy Commissioner, District of Columbia, United States Employees' Compensation Commission, et al.

The resignation of Robert J. Hoage, as Deputy Commissioner for the District of Columbia, United States Employees' Compensation Commission, and the appointment of Frank A. Cardillo, having been suggested,

It is, on motion of counsel for the petitioners, ordered by this Court that Frank A. Cardillo, present Deputy Commissioner for the District of Columbia, United States Employees' Compensation Commission, be substituted and made a party respondent in this cause.

Per Mr. Chief Justice Hughes.

Ex Parte L. H. Heymann, et al.,

Petitioners.

—, Original.

Motion for leave to file petition for writ of certiorari submitted by Mr. John M. Lee and Mr. Walter E. Wiles for the petitioners.

State of Wisconsin, et al.,

Complainant,

3, Original. vs.

State of Illinois, et al.;

State of Michigan, et al.,

Complainant,

4, Original. vs.

State of Illinois, et al.; and

State of New York, et al.,

Complainant,

5, Original. vs.

State of Illinois, et al.

Semi-annual report of defendant Sanitary District of Chicago, dated July 1, 1937, presented.

Commonwealth of Kentucky,

Complainant,

7, Original. vs.

State of Indiana.

Report No. 15 of the defendant, State of Indiana, presented.

Iowa City Light and Power Company,

Petitioner,

86 vs.

Harold L. Ickes, as Federal Emergency Administrator of Public Works, et al.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

IT APPEARING to the Court that counsel for the respective parties have filed a stipulation to vacate the decrees below in this case and to remand the cause with directions that it be dismissed as moot;

THEREFORE, pursuant to said stipulation, it is ordered by this Court that the decree of the said United States Court of Appeals, in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia with directions to vacate its decree, insofar as it relates to the Iowa City Light and Power Company, and to dismiss the proceeding upon the ground that the cause is moot.

Per Mr. Chief Justice Hughes.

Proclamation being made the Court is adjourned until Monday, October 11, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Henry A. Julicher, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl Fenning, It is ordered that Chas. Rosenbaum, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Brien McMahon, It is ordered that Lorin W. Willis, Esquire, of Bridgeport, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lyle F. O'Rourke, It is ordered that Frank M. Headley, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. LeWolfe, It is ordered that John Ambler, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Davis, It is ordered that Ray L. Strother, Esquire, of Clarksburg, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard E. Wahrenbrock, It is ordered that Ruth L. Waltmer, of Jefferson City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard E. Wahrenbrock, It is ordered that Harry G. Waltner, Jr., Esquire, of Jefferson City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur H. Robinson, It is ordered that Joseph Edward Hartman, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry J. Gerrity, It is ordered that John W. VanGordon, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry J. Gerrity, It is ordered that Aaron U. Hemnick, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel W. McIntosh, It is ordered that H. P. Robinson, Esquire, of St. Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard J. Ganse, It is ordered that Harold R. Lair, Esquire, of Syracuse, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick A. Ballard, It is ordered that Gerald R. Redding, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice announced the following orders of the Court:

- - -

Ex Parte Albert Levitt,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for an order requiring Mr. Justice Black to show cause why he should be permitted to serve as an Associate Justice of this Court,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this motion.

Ex Parte Patrick Henry Kelley,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for hearing on the title of Mr. Justice Black as a member of this Court,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this motion.

Eureka Productions, Inc.,
Appellant,
vs.
Herbert H. Lehman, as Governor of the State of New York, et al.

Appeal from the District Court of the United States for the Southern District of New York.

99

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and on motion to dismiss or affirm which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the order in this cause be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying an interlocutory injunction in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

The Pure Oil Company,
Appellant,
vs.
Oklahoma Tax Commission.

Appeal from the Supreme Court of the State of Oklahoma.

100

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Sutherland and Mr. Justice Black took no part in the consideration or decision of this case.

Tommie Walls,
Appellant,
vs.
State of North Carolina.

Appeal from the Supreme Court of the State of North Carolina.

120

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Tommie Walls,
Appellant,
vs.
State of North Carolina.

Appeal from the Supreme Court of the State of North Carolina.

120

TREATING the appeal papers herein from the Supreme Court of the State of North Carolina as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, it is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this

Tommie Walls,

Appellant,

120 vs.

State of North Carolina.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Anthony Dallao,

Appellant,

376 vs.

State of Louisiana.

Appeal from the Supreme Court of the State of Louisiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Anthony Dallao,
Appellant,
376 vs.
State of Louisiana.

Appeal from the Supreme Court of the State of Louisiana.

TREATING the appeal papers herein from the Supreme Court of the State of Louisiana as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Anthony Dallao,
Appellant,
376 vs.
State of Louisiana.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Joseph Ugarte, Appellant, vs. State of Louisiana. — Appeal from the Supreme Court of the State of Louisiana.

377

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Joseph Ugarte, Appellant, vs. State of Louisiana. — Appeal from the Supreme Court of the State of Louisiana.

377

TREATING the appeal papers herein from the Supreme Court of the State of Louisiana as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Joseph Ugarte,

Appellant,

377 vs.

State of Louisiana.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Anna Witzelberg,

Appellant,

150 vs.

The City of Cincinnati, William F. Hess, Auditor of Hamilton County, Ohio, et al.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and on motion to dismiss which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed (1) for the want of a properly presented federal question; (2) for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Spencer Coleman,

Appellant,

159 vs.

City of Griffin.

Appeal from the Court of Appeals of the State of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of Georgia, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed (1) for the want of a substantial federal question; (2) for the want of a properly presented federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Elizabeth Myers, Administratrix of the Estate of Robert W. Myers, Deceased,

Appellant,

205 vs.

The Atchison, Topeka and Sante Fe Railway Company.

Appeal from the Supreme Court of the State of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Elizabeth Myers, Administratrix, etc.,

Appellant,

205 vs.

The Atchison, Topeka and Santa Fe Railway Company.

Appeal from the Supreme Court of the State of Oklahoma.

TREATING the appeal papers herein from the Supreme Court of the State of Oklahoma as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Owen Couche,

Appellant,

341 vs.

State of Louisiana.

Appeal from the Supreme Court of the State of Louisiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Owen Couche,
Appellant,
vs.
State of Louisiana.

Appeal from the Supreme Court of the State of Louisiana.

341

TREATING the appeal papers herein from the Supreme Court of the State of Louisiana as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

John Noorman,
Appellant,
vs.
The Department of Public Works and Buildings of the State of Illinois, Division of Highways, et al.

Appeal from the Supreme Court of the State of Illinois.

210

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

The Diocese of Olympia, Inc.,

Appellant,

254 vs.

William H. Pemberton, Supervisor of Inheritance Tax and Escheat Division of the State of Washington, et al.

ON CONSIDERATION of the motion for leave to file a supplemental statement as to jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

The Diocese of Olympia, Inc.,

Appellant,

254 vs.

William H. Pemberton, Supervisor of Inheritance Tax and Escheat Division of the State of Washington, et al.

Appeal from the Supreme Court of the State of Washington.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Bert Vilas,

Appellant,

267 vs.

Iowa State Board of Assessment and Review, et al.

Appeal from the Supreme Court of the State of Iowa.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Katheryn Marie Louise Ashley Pelton Elkins, a Minor, by Her Next Friend George B. Clothier, et al.,

Appellants,

276 vs.

Land Title Bank and Trust Company, et al.

Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed (1) for the want of a properly presented federal question; and (2) for the reason that the judgment sought herein to be reviewed is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this

Charles Joseph Christian De Guigne, 3d, and George B. Clothier, Trustee ad litem for Unborn Interests,

Appellants,

277 vs.

Land Title Bank and Trust Company, et al.

Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed (1) for the want of a properly presented federal question; and (2) for the reason that the judgment sought herein to be reviewed is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Grace Lela Potter, Administratrix of the Estate of Charles E. Potter, Deceased,

Appellant,

296 vs.

Mildred Young, Mrs. Dorothy Lee and Charles E. Potter, Jr., et al.

Appeal from the Supreme Court of the State of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this

Charles G. Johnson, as Treasurer of the State of California, et al.,

Appellants,

321 vs.

M. G. West Company.

Appeal from the District Court of Appeal of the State of California, 3d Appellate District.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of Appeal of the State of California, 3d Appellate District, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Charles G. Johnson, as Treasurer of the State of California, et al.,

Petitioners,

321 vs.

M. G. West Company.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 3d Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 3d Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Lawrence E. Carlson, Administrator of the Estate of William E. Koch, Deceased,

Appellant,

373 vs.

Lloyd Kesler, Harry Kesler, Also Known as Harry E. Kesler, Partners, etc., et al.

Appeal from the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and on motion to dismiss which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Lawrence E. Carlson, Administrator, etc.,

Appellant,

373 vs.

Lloyd Kesler, Harry Kesler, Also Known as Harry E. Kesler, Partners, etc., et al.

Appeal from the Supreme Court of the State of Indiana.

TREATING the appeal papers herein from the Supreme Court of the State of Indiana as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Robert G. Stone, et al.,

Petitioners,

202 O.T. 1935 vs.

Thomas W. White, Former Collector of Internal Revenue, etc.

It is ordered that the first complete sentence on page 2 of the opinion handed down May 24, 1937, be recast to read as follows:

> "A deficiency against the trustees was assessed by the Commissioner before, and was paid by them, under protest, from income of the trust, after collection from the beneficiary had been barred by the statute of limitations."

It is further ordered that the following words be inserted between the word "But" and the word "it" in the eleventh line from the bottom of page 5 of the opinion:

> "the demand made upon the trustees was not barred by limitation and".

The petition for rehearing is denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

Ex Parte Henry A. Ilse,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Ex Parte John Worster, Jr.,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Ex Parte Atwell Curtis,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this

Ex Parte Victor J. Evans,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration or decision of this case.

Ex Parte L. H. Heymann, et al.,

Petitioners.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Ex Parte L. H. Heymann, et al.,

Petitioners.

Order allowing certiorari.

—, Original.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The State of Wisconsin, et al.,
Complainants,
3, Original. vs.
The State of Illinois, et al.;

The State of Michigan, et al.,
Complainants,
4, Original. vs.
The State of Illinois, et al.; and

The State of New York, et al.,
Complainants,
5, Original. vs.
The State of Illinois, et al.

The semi-annual report of Defendant, Sanitary District of Chicago, dated July 1, 1937, is received and ordered filed.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration of this report.

Commonwealth of Kentucky,
Complainant,
7, Original. vs.
State of Indiana.

Upon consideration of the Report of the State of Indiana, submitted September 1, 1937, in accordance with clause 5 of the decree entered herein on May 19, 1930, which is received and ordered filed, wherein it is stated that the State of Indiana, through its Highway Commission. has complied with said decree and application is made to be relieved of the duty of filing further reports, and the Commonwealth of Kentucky, by its Attorney General, having consented to the entry of an order granting that application,

IT IS ORDERED that the application of the State of Indiana be, and the same is hereby, granted and that the State of Indiana and its Highway Commission be, and they are hereby, relieved from the requirement of making any further reports herein under clause 5 of said decree.

IT IS FURTHER ORDERED that this cause be continued, and that either party hereto may apply to this Court for any further relief or order consistent with the issues herein.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration of this report.

Worcester County Trust Company,
Executor,

Petitioner,

34 vs.

Ray L. Riley, Controller of the
State of California, et al.

Further consideration of the motion to substitute Harry B. Riley as the party respondent in place of Ray L. Riley, resigned, is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration of this motion.

J. M. Hebert, et al.,

Petitioners,

422 vs.

Rio Bravo Oil Company, et al.

Upon consideration of the motion by the Petitioners for an order designating specified portions of the record to be printed, and of the Respondents' reply thereto, it is ordered that the entire transcript of the record be printed, without prejudice to the authority of the Court to make such order as to costs as it may deem proper, if it appears that the Respondents have caused unnecessary parts of the record to be printed. Rule 13, paragraph 9.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this motion.

Susie Maty, Administratrix of the Estate of George Maty, etc.,

Petitioner,

378 vs.

Grasselli Chemical Company.

ON CONSIDERATION of the motion for consideration of the petition for writ of certiorari in this case on typewritten petition and record,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the Clerk is directed to print the record and petition for writ of certiorari.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this motion.

Susie Maty, Administratrix of the Estate of George Maty, Also Known as George Matey,

Petitioner,

378 vs.

Grasselli Chemical Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

William McDonald, William Long, and E. M. Daugherty,

Petitioners,

60 vs.

Steamship "Floridian", Her Engines, etc., et al.

ON CONSIDERATION of the motion for leave to proceed on typewritten petition and record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this motion.

William McDonald, William Long and E. M. Daugherty,

Petitioners,

60 vs.

Steamship "Floridian", Her Engines, Boilers, Tackle, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Frank DiStasio,

Petitioner,

360 vs.

Commonwealth of Massachusetts.

ON CONSIDERATION of the motion for leave to proceed on typewritten petition and record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this motion.

Frank DiStasio,

Petitioner,

360 vs.

Commonwealth of Massachusetts.

On petition for writ of certiorari to the Superior Court in and for the County of Middlesex, Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court in and for the County of Middlesex, Commonwealth of

Massachusetts, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Pierce Lonergan,

Petitioner,

121 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Pierce Lonergan,

Petitioner,

Order allowing certiorari.

121 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Alfred Demarois,

Petitioner,

212 vs.

John Farrel, United States Marshal, etc., et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Alfred Demarois,

Petitioner,

212 vs.

John Farrel, United States Marshal for the District of Minnesota, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for a writ of certiorari was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Birney F. Combs, Heir and Contributor to the Assets and as Administrator, etc.,

Petitioner,

110 vs.

The Richford Savings Bank and Trust Co., et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Birney F. Combs, Heir and Contributor to the Assets and as Administrator of the Estate of Byron H. Combs,

Petitioner,

110 vs.

The Richford Savings Bank and Trust Co., and the Burlington Savings Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Phares P. Mauk,

Petitioner,

112 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Phares P. Mauk,

Petitioner,

112 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

John Porobilo, Curator of Claimant, et al.,

Petitioners,

149 vs.

Leopold Taliancich, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Porobilo, Curator of Claimant, et al.,

Petitioner,

149 vs.

Leopold Taliancich, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

A. J. Ihle, Vice Girod, Deceased, Trustee, etc.,

Petitioner,

158 vs.

Paul J. Barbe.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

A. J. Ihle, Vice Girod, Deceased, Trustee, etc.,

Petitioner,

158 vs.

Paul J. Barbe.

On petition for writ of certiorari to the First Circuit Court of Appeal, State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the First Circuit Court of Appeal, State of Louisiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Pascal Dorn,

Petitioner,

169 vs.

Industrial Accident Commission of the State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Pascal Bern,

Petitioner,

169 vs.

Industrial Accident Commission of the State of California.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 4th Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 4th Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Bernie Ray Stewart, et al.,

Petitioners,

179 vs.

Lindsay S. Wall, Administrator, etc., et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Mernie May Stewart, Mrs. Glena Stewart Cranford and Mrs. Myrtle Stewart Shenderov, et al.,

Petitioners,

179 vs.

Lindsay S. Wall, Administrator C. T. A. D.B.N. Estate of J. C. Stewart, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Jesse C. Duke,

Petitioner,

229 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Jesse C. Duke,

Petitioner,

229 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Henry J. Bernhardt, as Administrator, etc.,

Petitioner,

237 vs.

Chicago, Burlington & Quincy Railroad Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Henry J. Bernhardt, as Administrator of the Estate of George Metzler, Deceased,

Petitioner,

237 vs.

Chicago, Burlington & Quincy Railroad Company.

on petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Thomas C. Barton,

Petitioner,

239 vs.

John M. Gehman.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Thomas C. Barton,

Petitioner,

239 vs.

John M. Gehman.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

H. L. Lynch,

Petitioner,

240 vs.

Helen Kemp (now Helen Durfey).

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

H. L. Lynch,

Petitioner,

240 vs.

Helen Kemp (now Helen Durfey).

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Amon S. Longenecker and Grace Longenecker, His Wife,

Petitioners,

244 vs.

Pennsylvania Joint Stock Land Bank.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Amon S. Longenecker and Grace Longenecker, His Wife,

Petitioners,

244 vs.

Pennsylvania Joint Stock Land Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Leroy S. Coble and Grace O. Coble, His Wife,

Petitioners,

245 vs.

Federal Land Bank of Baltimore.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Leroy S. Coble and Grace O. Coble, His Wife,

Petitioners,

245 vs.

Federal Land Bank of Baltimore.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Mae W. Beamesderfer,

Petitioner,

246 vs.

First National Bank and Trust Company of Mount Joy.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Mae W. Beamesderfer,

Petitioner,

246 vs.

First National Bank and Trust Company of Mount Joy.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Jacob Hossler and Margaret Hossler,
His Wife,

Petitioners,

247 vs.

Pennsylvania Joint Stock Land Bank
of Philadelphia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Jacob Hossler and Margaret Hossler,
His Wife,

Petitioners,

247 vs.

Pennsylvania Joint Stock Land Bank
of Philadelphia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Clayton R. Shreiner and Mabel Shreiner,

Petitioners,

248 vs.

Farmers' Trust Company of Lancaster.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Clayton R. Shreiner and Mabel Shreiner, Petitioners,

248 vs.

Farmers' Trust Company of Lancaster.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Percy Lang, Petitioner,

338 vs.

Arthur D. Wood, Charles A. Whalen, T. Webber Wilson, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Percy Lang, Petitioner,

338 vs.

Arthur D. Wood, Charles A. Whalen, T. Webber Wilson, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Charles Anderson,

Petitioner,

345 vs.

Eva Odisho.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Charles Anderson,

Petitioner,

345 vs.

Eva Odisho.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Georgia M. Spruill,

Petitioner,

385 vs.

Harriet T. Serven.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Georgia M. Spruill,
Petitioner,
385 vs.
Harriet T. Serven.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Dewey Savarese,
Petitioner,
393 vs.
The People of the State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this case.

Dewey Savarese,
Petitioner,
393 vs.
The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States of America,

Appellant,

97 vs.

Ben Kapp, et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this question.

Frank Palko,

Appellant,

135 vs.

State of Connecticut.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this question.

South Carolina State Highway Department, et al.,

Appellants,

161 vs.

Barnwell Brothers, Inc., et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this question.

Lone Star Gas Company,

Appellant,

313 vs.

State of Texas, et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this question.

Connecticut General Life Insurance Company,

Appellant,

316 vs.

Charles G. Johnson, as Treasurer, etc.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this question.

Rainier National Park Company,

Appellant,

334 vs.

Clarence D. Martin, as Governor of the State of Washington, et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this question.

Alma Lovell,

Appellant,

391 vs.

The City of Griffin.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this question.

Natural Gas Pipeline Company of America,

Appellant,

230 vs.

James M. Slattery, et al.

In this case probable jurisdiction is noted.

Further consideration of the motion to dismiss is postponed to the hearing of the case on the merits.

The motion to advance is granted and the case is assigned for hearing on Monday, November 8th, next.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of these questions.

H. H. Henneford, T. S. Hedges, et al.,

Appellants,

243 vs.

Northern Pacific Railway Company.

In this case probable jurisdiction is noted.

The attention of counsel is directed to the questions as to (1) the existence of the required jurisdictional amount and (2) the adequacy of the remedy at law.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of these questions.

Aluminum Company of America,

Appellant,

281 vs.

The United States of America.

In this case probable jurisdiction is noted.

The motion to advance is granted and the case is assigned for hearing on Monday, November 8th, next.

Per Mr. Justice McReynolds.

The Chief Justice, Mr. Justice Stone, and Mr. Justice Black took no part in the consideration and decision of these questions.

Guy F. Atkinson, et al., Co-partners, etc.,

Appellants,

303 vs.

State Tax Commission of Oregon, et al.

Probable jurisdiction is noted.

The Clerk is directed to give notice to the Attorney General of the United States who is requested to present the views of the Government upon the questions (1) as to jurisdiction over the area in which the work of the contractors was performed and (2) whether the state tax imposes a burden upon the Government.

Brief may be filed by the Government on or before December 1, 1937, with leave to the respective parties to file briefs in reply on or before December 31, 1937.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of these questions.

Western Live Stock, a Partnership, etc.,

Appellant,

322 vs.

Bureau of Revenue and John A. Bingaman, Commissioner of Revenue.

Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this question.

The Kansas Farmers Union Royalty Company, et al.,

Appellants,

366 vs.

Ira Shaffer, Executor, etc.

Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this question.

Standard Accident Insurance Company,

Petitioner,

Order allowing certiorari.

41 vs.

The United States of America, for the Use and Benefit of L. R. Powell, Jr. and Henry W. Anderson, as Receivers, etc.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States,

Petitioner,

Order allowing certiorari.

48 vs.

Mabel S. Andrews, Executrix of the Estate of Matthew Andrews, Deceased.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Mary Duke Biddle,

Petitioner,

55 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Lanasa Fruit Steamship and Importing Company, Inc.,

Petitioner,

57 vs.

Universal Insurance Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Crown Cork & Seal Company, Inc.,

Petitioner,

72 vs.

Ferdinand Gutman Co., Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Perry McCart, Samuel M. Trabue and Moie Cook, Members of and Constituting the Public Service Commission, et al.,

Petitioners,

90 vs.

Indianapolis Water Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Minnesota Tea Company,

Petitioner,

106 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Harvey S. Adams, Receiver, Penn National Bank and Trust Co. of Reading, Pennsylvania,

Petitioner,

vs.

Geneva M. Nagle, Ralph S. Hill, et al.

Order allowing certiorari.

123

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Harvey S. Adams, Receiver, Reading National Bank and Trust Co. of Reading, Pennsylvania,

Petitioner,

vs.

J. Edwin Tobias, Ralph S. Hill, et al.

Order allowing certiorari.

124

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

Order allowing certiorari.

128 vs.

John H. Therrell, Also Known as J. H. Therrell.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

Order allowing certiorari.

129 vs.

William H. Tunnicliffe.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

138 vs.

Pete McGowan, Claimant of One Chevrolet Coupe, etc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Creek Nation,

Petitioner,

140 vs.

The United States.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

143 vs.

Helen J. Stevens, Administratrix, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this

The United States of America,

Petitioner,

Order allowing certiorari.

146 vs.

Ralph Raynor.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

Order allowing certiorari.

147 vs.

Chett Fowler.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Charles F. Blackton,

Petitioner,

Order allowing certiorari.

167 vs.

Aaron Gordon.

The petition herein for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

A. Howard Myers, Individually and as Acting Regional Director for the First Region, National Labor Relations Board, et al.,

Petitioners,

181 vs.

Bethlehem Shipbuilding Corporation, Ltd.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

A. Howard Myers, Edmund J. Blake and Daniel M. Lyons, Individually and as the National Labor Relations Board,

Petitioners,

182 vs.

Charles MacKenzie, Individually and as Chairman, etc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Benjamin B. Foster and Robert R. Todd, Executors of the Estate of Anna Foster Ford, Deceased,

Petitioner,

Order allowing certiorari.

189 vs.

The United States.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Frank Carmine Nardone, Austin L. Callahan, Hugh Brown and Robert Gottfried,

Petitioners,

Order allowing certiorari.

190 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Estaban Adam,

Petitioner,

197 vs.

William Saenger, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Civil Appeals of the State of Texas, 9th Supreme Judicial District, is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Tax Commission of Ohio,

Petitioner,

215 vs.

Rollin A. Wilbur and the National City Bank of Cleveland, Ohio, Co-trustees of the Estate of James Parmelee, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Appeals of Cuyahoga County, State of Ohio, is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Leo M. Munro,

Petitioner,

218 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States,

Petitioner,

231 vs.

Robert Esnault-Pelterie.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Compania Espanola de Navegacion Maritima, S. A., Owner of the Spanish Steamship "Navemar",

Petitioner,

242 vs.

Spanish Steamship "Navemar", Her Engines, etc., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Saint Paul Mercury Indemnity Company,

Petitioner,

274 vs.

Red Cab Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Edward Lauf and Amalgamated Meat Cutters and Butcher Workmen of North America, Local No. 73,

Petitioners,

293 vs.

E. G. Shinner & Company, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The St. Louis, Brownsville and Mexico Railway Company, et al.,

Petitioners,

300 vs.

Brownsville Navigation District of Cameron County, Texas, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Guaranty Trust Company of New York,
Executor, Estate of Lamar L. Fleming,
Deceased,

Petitioner,

Order allowing certiorari.

301 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

Order allowing certiorari.

324 vs.

Charles E. Mitchell.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

New York Life Insurance Company,

Petitioner,

Order allowing certiorari.

323 vs.

Stella Jane Gamer, as Executrix of the Will of E. Walter Gamer, Also Known as Edward W. Gamer, Deceased.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

C. C. McCollum, Trustee in Bankruptcy of Lookout Planing Mills,

Petitioner,

Order allowing certiorari.

342 vs.

Hamilton National Bank of Chattanooga.

The petition herein for a writ of certiorari to the Supreme Court of the State of Tennessee is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

346 vs.

Nellie B. Bowers, Administratrix of the Estate of John O. Bowers, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

349 vs.

Sellar Bullard, as Executor Under the Last Will and Testament of Clara R. Smith, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

352 vs.

Illinois Central Railroad Company, a Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Erie Railroad Company,

Petitioner,

367 vs.

Harry J. Tompkins.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

262 vs.

Garbutt Oil Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is assigned for hearing immediately following No. 48.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Andrew J. Christopher, Third National Bank & Trust Co., as Executor, of the Estate of George W. Weimer, Deceased, et al.,

Petitioners,

108 vs.

W. E. Brusselback and W. I. Bell, et al., etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Mr. Justice Brandeis took no part in the consideration and decision of this application.

Edward McLoughlin,

Petitioner,

vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

287

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for hearing immediately following No. 129.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

D. B. Heiner, Individually and as Former Collector of Internal Revenue for the Twenty-third District of Pennsylvania,

Petitioner,

vs.

A. W. Mellon.

Order allowing certiorari.

144

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Chief Justice and Mr. Justice Stone took no part in the consideration and decision of this application.

Mr. Justice Black took no part in the consideration and decision of this application.

D. B. Heiner, Individually and as Former Collector of Internal Revenue for the Twenty-third District of Pennsylvania,

Petitioner,

Order allowing certiorari.

145 vs.

Jennie King Mellon, Richard King Mellon, Sarah Mellon Scaife, et al., etc.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Chief Justice and Mr. Justice Stone took no part in the consideration and decision of this application.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

Order allowing certiorari.

198 vs.

Arthur W. Machen.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, and the case is assigned for hearing immediately following No. 43.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Newport News Shipbuilding and Dry Dock Company,

Petitioner,

vs.

Bennett F. Schauffler, Individually and as Regional Director for the 5th Region, National Labor Relations Board, et al.

305

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, and the case is assigned for hearing immediately following Nos. 181 and 182.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

vs.

Ben B. Jackson, by His Guardian, Ad Litem, Alphene W. Dowell.

199

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, limited to the first question presented by the petition.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Leitch Manufacturing Company, Inc.,

Petitioner,

vs.

The Barber Company, Inc.

Order allowing certiorari.

208

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is assigned for hearing immediately following Nos. 72 and 357.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Harry Fleisher,

Petitioner,

vs.

The United States of America.

Order allowing certiorari.

202

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, limited to the question whether the first count of the indictment states an offense under federal law.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Sam Fleisher,

Petitioner,

Order allowing certiorari.

203 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, limited to the question whether the first count of the indictment states an offense under federal law.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Joseph Stein,

Petitioner,

Order allowing certiorari.

204 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, limited to the question whether the first count of the indictment states an offense under federal law.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

General Talking Pictures Corporation,

Petitioner,

357 vs.

Western Electric Company, Inc., Electrical Research Products, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for hearing immediately following No. 72.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Mr. Justice Black took no part in the consideration and decision of this application.

Fannie Shaffer, as a Member and Trustee of, Acting on Behalf and for the Colburn Biological Institute, etc.,

Petitioner,

74 vs.

Superior Court of Los Angeles County, Hon. Charles D. Ballard, Judge.

ON CONSIDERATION of the motion to strike the brief of Respondent herein from the files of this Court,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this motion.

Fannie Shaffer, as a Member and Trustee of, Acting on Behalf and for the Colburn Biological Institute, etc.,

Petitioner,

74 vs.

Superior Court of Los Angeles County, Hon. Charles D. Ballard, Judge.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had.

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Home Owners' Loan Corporation,

Petitioner,

111 vs.

Central Market, Inc.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied as it does not appear from the record that there is a final judgment.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

John G. Saxe,

Petitioner,

398 vs.

Charles W. Anderson, Collector of Internal Revenue for the Third District of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied on the ground that the application has been made prior to judgment of the Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Thomas J. Brady,

Petitioner,

163 vs.

Terminal Railroad Association of St. Louis.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied as it does not appear from the record that there is a final judgment.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Arthur Levigne,

Petitioner,

226 vs.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, First District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Brandeis took no part in the consideration and decision of this application.

Mr. Justice Black took no part in the consideration and decision of this application.

Walter G. Roland to the Use of Robert P. Shick, Robert P. Shick,

Petitioners,

285 vs.

Harry M. Albright, William A. Goodman and Norristown-Penn Trust Company.

ON CONSIDERATION of the motion to strike the brief of Respondent herein from the files of this Court,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this motion.

Walter G. Roland to the Use of
Robert P. Shick, Robert P. Shick,

Petitioners,

285 vs.

Harry M. Albright, William A. Goodman
and Norristown-Penn Trust Company.

On petition for writ of certiorari to the Supreme Court of the State of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Charles E. Hendrickson, Trustee of
Archibald M. Henry, Bankrupt,

Petitioner,

289 vs.

The Chase National Bank of the City
of New York.

ON CONSIDERATION of the motion to substitute Emanuel Weitz, present trustee of Archibald M. Henry, Bankrupt, as the party petitioner herein in place of Charles E. Hendrickson, deceased,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts and Mr. Justice Black took no part in the consideration and decision of this motion.

Emanuel Weitz, Trustee of Archibald M. Henry, Bankrupt,

Petitioner,

289 vs.

The Chase National Bank of the City of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts and Mr. Justice Black took no part in the consideration and decision of this application.

George H. Gillons, Edward P. Shaw and Richfield Oil Company,

Petitioners,

44 vs.

The Shell Company of California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Winfred E. Ramsey,

Petitioner,

46 vs.

The State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Arthur J. Eide, by Bertha A. Eide, His Guardian Ad Litem,

Petitioner,

47 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States,

Petitioner,

49 vs.

Briggs & Turivas.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Frank J. Link and John T. Miller,
Petitioners,
50 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Dorothy Dole Maddock and Katherine Dole Rudolph,
Petitioners,
51 vs.
Frank Haines, Individually and as Trustee, Frances Leman Carpenter, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Frank T. Heffelfinger,
Petitioner,
52 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Reading Company,
Petitioner,
53 vs.
Thorne Neale & Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Reading Company,
Petitioner,
54 vs.
The Bouchard Transportation Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Reeke-Nash Motors Company,
Petitioner,
56 vs.
The Swan Carburetor Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

General Motors Corporation,
Petitioner,
350 vs.
The Swan Carburetor Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Star Stationery Company,
Petitioner,
58 vs.
Chester B. Rogers, Receiver of New Jersey National Bank and Trust Company of Newark.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Highlands Evanston-Lincolnwood Subdivision, First Addition Trust No. 1546, et al.,
Petitioners,
64 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Gabriel Roberts Solomon, Linton Munroe Solomon, Stephen Malone Solomon, Jr., et al.,
Petitioners,
194 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Fred Elliott, George B. West, L. J. Schmitt, et al.,
Petitioners,
65 vs.
University of Illinois, Louis L. Ashman, Edward B. McGuinn, et al.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Ralph M. Walker,
Petitioner,
66 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Potomac Electric Power Company,
Petitioner,
67 vs.
Melvin C. Hazen, George E. Allen and Daniel I. Sultan, Commissioners of the District of Columbia, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Georgia Power Company,
Petitioner,
69 vs.
Tennessee Valley Authority.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Georgia Power Company,
Petitioner,
70 vs.
Honorable E. Marvin Underwood, United States District Judge for the Northern District of Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Goldie Goldberg,

Petitioner,

71 vs.

Minnie Libby Goldberg, et al.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, 2nd District.

ON CONSILERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, 2nd District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Bennell Realty Company,

Petitioner,

73 vs.

E. G. Shinner & Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

C. S. Dudley & Company, Inc.,

Petitioner,

75 vs.

State of Missouri, Upon the Information of Roy McKittrick, Attorney General of the State of Missouri.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

J. B. Wilkinson Estate, Inc., et al., Petitioners,
76 vs.
Yount-Lee Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

C. H. Wilkinson, Petitioner,
77 vs.
Yount-Lee Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

J. Dallas Grady, Petitioner,
78 vs.
Carrie M. Garland, Randolph M. Garland, Charles Murgia, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Reinharts, Incorporated,
Petitioner,
79 vs.
Caterpillar Tractor Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Citizens Water Company,
Petitioner,
80 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Paul J. Bonwit,
Petitioner,
81 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Wm. H. Moore, Jr., as Trustee in Bankruptcy for the Estate of Motor Products Manufacturing Corporation, Bankrupt,

Petitioner,

82 vs.

W. H. Jahns and Margaret J. Jahns.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Gail W. Courtwright and Evelyn K. Koon, Administratrices of the Estate of William H. Courtright, Deceased,

Petitioners,

83 vs.

Legislative Statutory Commission, a State Board or Commission, etc., et al.

On petition for writ of certiorari to the Supreme Court of the State of Colorado.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Colorado, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Burdine C. Anderson, James E. Anderson, Frank C. Anderson, et al.,

Petitioners,

88 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Mrs. P. L. Garrow,

Petitioner,

89 vs.

The United States of America.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

John J. Kuptz, The Employer's Liability Assurance Corporation, Ltd.,

Petitioners,

91 vs.

Ralph Sollitt & Sons Construction Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Thomas J. Emery Memorial,

Petitioner,

92 vs.

The Cincinnati Underwriters Agency Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be,and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Tinius Olsen Testing Machine Company and Thorsten Y. Olsen, Petitioners,

93 vs.

Baldwin-Southwark Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Triest & Earle, Inc., Petitioner,

94 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Baltimore & Ohio Railroad Company, Petitioner,

96 vs.

Mary Anderson, Executrix and Personal Representative of the Estate of David Anderson, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is here, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

R. D. Baker Company,
Petitioner,
98 vs.
William Barden and John Barden.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Garrow MacClain & Garrow, Inc.,
Petitioner,
101 vs.
James W. Bass, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The City of Wheeling, a Municipal Corporation, Harry J. Humphrey, City Manager, Charles F. Schultze, Mayor and Member of Council, et al.,
Petitioners,
102 vs.
John F. Casey Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

William Wingert, Lewis P. Wingert and Miller Wingert, Surviving Executors of Julia E. Reamer, Deceased, et al.,

Petitioners,

103 vs.

E. J. Smead, J. Wm. Ernst and Albert E. Baker, Trustees, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

William Wingert, Lewis P. Wingert and Miller Wingert, Surviving Executors of Julia E. Reamer, Deceased, et al.,

Petitioners,

104 vs.

E. J. Smead, J. Wm. Ernst and Albert E. Baker, Trustees, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

William Wingert, Lewis P. Wingert and Miller Wingert, Surviving Executors of Julia E. Reamer, Deceased, et al.,

Petitioners,

105 vs.

E. J. Smead, J. Wm. Ernst and Albert E. Baker, Trustees, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Great Southern Life Insurance Company, Petitioner,
107 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Consumers Power Company, Petitioner,
109 vs.
Ernest L. Krause, Arthur Parent, Joseph LaLonde, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

E. R. Bradley, et al., Petitioners,
113 vs.
Adams Express Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Western Express Company,
Petitioner,
114 vs.
Wayne Smeltzer, a Minor, by Ohlan Smeltzer, His Legal Guardian.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Western Express Company,
Petitioner,
115 vs.
Robert L. Lechlghtner, a Minor, by Nelson Lechlghtner, His Legal Guardian.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Western Express Company,
Petitioner,
116 vs.
Aaron Berkey, Administrator of the Estate of Walter M. Berkey, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The France Company,
Petitioner,
117 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Chateaugay Ore & Iron Company,
Petitioner,
118 vs.
Eastern Transportation Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Byrne Manufacturing Company,
Petitioner,
119 vs.
American Flange & Manufacturing Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Corona Brewing Corporation,

Petitioner,

122 vs.

Rafael Sancho Bonet, Treasurer of Puerto Rico.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

C. E. Simmons,

Petitioner,

125 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Citizens Banking Company and Frank E. Hulett, Intervening Bondholders,

Petitioners,

126 vs.

The Sturgeon Bay Company, Debtor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON consideration of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Miami Corporation,
Petitioner,
127 vs.
State of Louisiana.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Pacific Alaska Airways,
Petitioner,
130 vs.
W. G. Mahan, as Administrator of the Estate of Erick G. Nelson, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Pacific Alaska Airways, Inc.,
Petitioner,
131 vs.
M. Clifford Smith, as Administrator of the Estate of Aldwyn David Roberts, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Elton Cruse, Administrator, et al.,
Petitioners,
132 vs.
Sabine Transportation Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

City of Fort Worth,
Petitioner,
133 vs.
Activated Sludge, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

E. C. Breedlove, Administrator De Bonis Non, With the Will Annexed of the Estate of F. N. Booth, Deceased,
Petitioner,
134 vs.
Ben Freudenstein, Receiver of the Merchants National Bank of Brownsville, Texas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Robert P. Morsman,

Petitioner,

136 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Jonathan C. Stimson and American Gas Accumulator Company,

Petitioners,

137 vs.

United Advertising Corporation of Texas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Peter D. Pinkussohn,

Petitioner,

141 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Citizens Bank & Trust Company,

Petitioner,

142 vs.

Mellon National Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

John Ogden, Executor of the Estate of James W. Ogden, Deceased,

Petitioner,

148 vs.

Henry Morgenthau, Jr., Secretary of the Treasury of the United States of America, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

MacPherson Crichton,

Petitioner,

151 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Sanitary Grocery Co., Inc., Operating Piggly-Wiggly Stores,

Petitioner,

152 vs.

Margaret Snead.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Norris Grain Company,

Petitioner,

153 vs.

Texas and New Orleans Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

N. E. Carpenter and I. V. Sanford, as Trustees for H. F. Hall, et al.,

Petitioners,

154 vs.

Texas and New Orleans Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

New York Life Insurance Company,
Petitioner,
155 vs.
Alice Stanley Lydon, et al., Executors of the Estate of Thomas F. Lydon, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Bankers Indemnity Insurance Company,
Petitioner,
156 vs.
Dagmar Lundgren.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Bankers Indemnity Insurance Company,
Petitioner,
157 vs.
Grace F. Pinkerton.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Arthur O. Borland, Ray A. Borland and Jack H. Borland,

Petitioners,

160 vs.

George H. Johnson, Deputy District Attorney of the County of Los Angeles, State of California, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Federal Farm Mortgage Corporation,

Petitioner,

162 vs.

Martin Falk, Jr. and Florentena Falk, Jr., His Wife, et al.

On petition for writ of certiorari to the Supreme Court of the State of North Dakota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of North Dakota, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

L. W. Baldwin and Guy A. Thompson, Trustees of New Orleans, Texas & Mexico Railway Company,

Petitioners,

164 vs.

Fred B. Fluitt.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

It is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this

Mrs. C. B. Meadows, et al., Petitioners,

165 vs.

Continental Assurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Grover C. Buchen and Felicia J. Buchen, Petitioners,

166 vs.

The Bank of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

H. Foster Hartman, Administrator of the Estate of Remus H. Clark, Deceased, et al., etc., Petitioners,

168 vs.

The Baltimore and Ohio Railroad Company, James S. Coniff and Charles Schuh.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

William L. Jarvis, et al., Petitioners,
170 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Chesapeake and Ohio Railway Company, Petitioner,
171 vs.
Florence Vigor, as Administratrix of the Estate of Harry F. Chilcott, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Reading Company, Petitioner,
172 vs.
Ellen May Mease and Charles Roy Mease.

On petition for writ of certiorari to the Supreme Court of the State of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

James McWilliams Blue Line, Inc., Petitioner,
173 vs.
Koppers Connecticut Coke Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

R. J. Nitkey, Petitioner,
174 vs.
Joseph A. Ward, The Guardian Trust Company, et al.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Texas Pipe Line Company, Petitioner,
175 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Great Lakes Transit Corporation,
Petitioner,
176 vs.
Interlake Steamship Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

William F. Hess, Trustee in Bankruptcy of D. E. Lindsey, D. E. A. D. E. Lindsey and Company and Investors Protective Service, Inc.,
Petitioners,
177 vs.
Dr. C. S. Amidon.

On petition for writ of certiorari to the Court of Appeals of the State of Ohio, 1st Appellate Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Ohio, 1st Appellate Judicial District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Globe Indemnity Company and Fidelity and Deposit Company of Maryland,
Petitioners,
178 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Certain-Teed Products Corporation,
Petitioner,
180 vs.
G. J. Wallinger, Trustee in Bankruptcy of Beaver Products Company of Virginia, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Oakwood Realty Company (Robert L. Warren, et al.),
Petitioners,
183 vs.
Gulf Production Company, et al.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 9th Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 9th Supreme Judicial District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Isabelle Hammond-Knowlton, as Administratrix Cum Testamento Annexo de Bonis Non of the Estate of Charles C. Knowlton, Deceased,
Petitioner,
184 vs.
The Hartford Connecticut Trust Company of Hartford, Connecticut, Executor Under the Will of Robert O. Eaton, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the Argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Sol Wiener Ginsburg,

Petitioner,

188 vs.

The Pacific Mutual Life Insurance Company of California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States of America,

Petitioner,

191 vs.

B. C. Getzelman, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States,

Petitioner,

192 vs.

Ordnance Engineering Corporation.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Ordnance Engineering Corporation,
Petitioner,
193 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Mrs. Ethel R. Jefferies, as Executrix, etc., and George D. Jefferies,
Petitioners,
195 vs.
The Federal Land Bank of Columbia.

On petition for writ of certiorari to the Supreme Court of the State of South Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of South Carolina, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Ray H. Thompson,
Petitioner,
196 vs.
Falstaff Brewing Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Glass & Lynch and William J. Brunning, as Agent of Bondholders,

Petitioners,

200 vs.

Nine North Church Street, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Irene O. Kitselman, Executrix of the Estate of C. M. Kitselman, Deceased,

Petitioner,

201 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Merced Irrigation District,

Petitioner,

206 vs.

Reed J. Bekins and Milo W. Bekins, as Executors of the Estate of Martin Bekins, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Cincinnati, Newport & Covington Railway Company,

Petitioner,

207 vs.

The City of Cincinnati, Ohio, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

William S. Moore,

Petitioner,

209 vs.

Chicago Mercantile Exchange, Michael E. Fox, John V. McCarthy, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

James E. Bennett, Frank A. Miller, Frank F. Thompson, et al.,

Petitioners,

235 vs.

Board of Trade of the City of Chicago, et al.

ON petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Board of Trade of Kansas City, Missouri, W. B. Lathrop, D. C. Bishop, et al.,

Petitioners,

282 vs.

Maurice M. Milligan, United States Attorney for the Western District of Missouri, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Beatrice K. Sasnett,

Petitioner,

211 vs.

Iowa State Traveling Men's Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Dominic Gestauts,

Petitioner,

213 vs.

American Manganese Steel Company, W. G. Nichols and Frank Grace.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

James H. Lockhart,
Petitioner,
214 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Portage Silica Company,
Petitioner,
216 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

A. J. Broderick and George Calvert,
Petitioners,
217 vs.
Sabine Lumber Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

W. B. Livermore,

Petitioner,

219 vs.

Carl H. Beal, Milham Exploration Co., et al.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 3d Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 3d Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Mary P. Boyd, as Administratrix of the Estate of Calvin E. Boyd, Deceased,

Petitioner,

220 vs.

Amos W. Elliott, Marland Oil Company, et al.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 3d Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 3d Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Albert Louis Kreiss,

Petitioner,

221 vs.

Amos W. Elliott, Marland Oil Company, et al.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 3d Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 3d Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. W. Livermore,
Petitioner,
222 vs.
Carl H. Beal, Milham Exploration Co., et al.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 3d Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 3d Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Miguel Jose Ossorio,
Petitioner,
223 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Douglas L. Edmonds, Administrator, Estate of John W. Mitchell, Deceased, and Adina Mitchell, Deceased,
Petitioner,
224 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

225 vs.

Cecil B. DeMille Productions, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Concentrate Manufacturing Corporation,

Petitioner,

227 vs.

Joseph T. Higgins, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Merhengood Corporation (Del.),

Petitioner,

228 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States of America,
Petitioner,
232 vs.
Chicago, Burlington & Quincy Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

F. W. Myers & Co., Inc.,
Petitioner,
233 vs.
The United States.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Curtis C. Colyear and Florence E. Colyear, His Wife,
Petitioner,
234 vs.
Fannie Hales.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 2nd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 2d Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Shell Eastern Petroleum Products, Incorporated,

Petitioner,

238 vs.

Allen J. Maxwell, Commissioner of Revenue of the State of North Carolina.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Almer F. Knowles,

Petitioner,

241 vs.

American South African Lines.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now hereby ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Continental Land Company, Julius C. Johnson, Mabel Johnson, et al.,

Petitioners,

249 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Preferred Accident Insurance Company,

Petitioner,

250 vs.

Mabel E. Marsh.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

New York Life Insurance Company,

Petitioner,

251 vs.

Mabel E. Marsh.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Helen DeWolfe Morgan and John W. Morgan, as Executors of the Estate of George F. Morgan, Deceased,

Petitioners,

252 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Joseph Klingenstein,

Petitioner,

253 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Verner A. Robinson and Evelyn D. Robinson,

Petitioners,

255 vs.

Harris Trust and Savings Bank, Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The State of Missouri, a Commonwealth, by and through its Superintendent of the Insurance Department, R. Emmet O'Malley,

Petitioner,

257 vs.

The Homesteaders Life Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Bankers Trust Company and R. Gregory Page, Trustees, etc.,

Petitioners,

263 vs.

Raymond Wise and A. H. Taylor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Sioux Tribe of Indians,

Petitioner,

264 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

John C. Schumacher, Sheriff of Butler County, Ohio,

Petitioner,

265 vs.

Ralph K. Beeler, Trustee in Bankruptcy of the Long & Allstatter Company, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

A. Hunter Willis, Petitioner in Review on Certificate of William Jerome Kuertz, Referee in Bankruptcy,
Petitioner,

266 vs.

Ralph K. Beeler, Trustee in Bankruptcy of the Long & Allstatter Company, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Philadelphia & Reading Coal & Iron Company, The Fulton Coal Company and Robert L. Thomas,
Petitioners,

270 vs.

Charles Spruks.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Pierce St. John, Jr., Minor Unallotted Full Blood Osage Indian, etc.,
Petitioner,

271 vs.

Floyd Thompson, Adult and Pitts Beaty, His Legal Guardian.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Floyd Soderstrom, Administrator with Will Annexed of the Estate of Irene Doris Martin Bonner, Deceased, et al., Petitioners,

369 vs.

Freeman L. Bonner.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Isedor Goldsmith and Manhattan Coffee & Sugar Co., Inc., Petitioners,

273 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Brecht Corporation, Petitioner,

278 vs.

The United States.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Day-Gormley Leather Company, Petitioner, vs. The National City Bank of New York. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

279

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Alex Mohr, Petitioner, vs. Great Lakes Transit Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

280

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

W. M. Angle, Petitioner, vs. H. B. Shinholt and T. G. Jackson. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

283

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States,
Petitioner,
284 vs.
Henry Stanley Wood.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States,
Petitioner,
383 vs.
Clifton Manufacturing Company.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Louise Earwood, as Guardian of Thomas Caleb Earwood,
Petitioner,
286 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Compagnie Generale Transatlantique, Petitioner,

288 vs.

Governor of the Panama Canal and the Panama Canal.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The White Tower System, Inc., Petitioner,

290 vs.

The White Castle System of Eating House Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

W. E. James and Agnes James, Petitioners,

291 vs.

O. A. Nelson, as an Individual and O. A. Nelson, as a Trustee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Northwestern Mutual Life Insurance Company of Milwaukee, Wisconsin,

Petitioner,

292 vs.

Central Hanover Bank and Trust Company, as Executor of, and as Trustee Under, the Last Will and Testament of Frank L. Scott, Deceased, et al.

On petition for writ of certiorari to the Surrogate Court of New York County, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Surrogate Court of New York County, State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

H. L. Durell,

Petitioner,

295 vs.

C. O. Carpenter, Receiver of Holston-Union National Bank of Knoxville, Tennessee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Lawrence Stern and Company and A. G. Becker & Co.,

Petitioners,

297 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

United States, ex relatione Society de Condensation et D'Applications Mecaniques,

Petitioners,

298 vs.

Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

P. H. Von Damm,

Petitioner,

299 vs.

The United States.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Houston Natural Gas Corporation,

Petitioner,

302 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Elmer W. Kelley and the General Street Signal Corporation,

Petitioners,

304 vs.

The City of Atlantic City and Harry Bacharach.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Karl A. Glover, Receiver of the First National Bank of Lawrenceville, Illinois, etc.,

Petitioner,

306 vs.

The State of Illinois.

On petition for writ of certiorari to the Court of Claims of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Charles E. Mitchell,

Petitioner,

307 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Fidelity & Columbia Trust Company, Trustee for Marie Louise McGrath,

Petitioner,

308 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Robert E. McGrath,

Petitioner,

309 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Louisville Trust Co. and James B. Pahey, Trustee for James W. and Antoinette McGrath,

Petitioners,

310 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Fidelity & Columbia Trust Company, Trustee for Mrs. Leo Thieman,

Petitioner,

311 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

William M. Walker, Elizabeth G. Hailer, Charles W. Hailer, et al.,

Petitioners,

312 vs.

Melvin C. Hazen, George E. Allen and Daniel I. Sultan, Commissioners of the District of Columbia.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Winget Kickernick Company and Mary D. Neilson,

Petitioners,

314 vs.

Sil-o-ette Underwear Corp. (Formerly Universal Rayon Underwear Corp.)

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Penn Mutual Life Insurance Company,
Petitioner,
315 vs.
State of Minnesota.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Rose T. Jonas,
Petitioner,
317 vs.
Bellerive Investment Company, Debtor, J. B. Reynolds, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Board of County Commissioners of Creek County, Oklahoma, et al.,
Petitioners,
318 vs.
I. D. Mays, Administrator of the Estate of Joseph Mays, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Texas Pipe Line Company,
Petitioner,
320 vs.
R. B. Anderson, et al.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 3d Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 3d Supreme Judicial District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Irving Ben Cooper,
Petitioner,
325 vs.
Irving Trust Company, as Trustee in Bankruptcy of McCrory Stores Corporation and Subsidiary Corporations, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The United States,
Petitioner,
326 vs.
Carl G. Allgrunn.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Carl G. Allgrunn,
Petitioner,
327 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Herman S. Strauss, as Trustee,
Petitioner,
328 vs.
Pine Block Building Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Louis Hamm and Nathan Hamm, Individually and as Co-partners Doing Business Under the Firm Name of Hamm Bros.,
Petitioners,
329 vs.
Railway Express Agency, Inc.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Aetna Casualty and Surety Company,
Petitioner,
330 vs.
Herbert Hall, as Receiver of the Germantown National Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

John Cappola,
Petitioner,
331 vs.
Edward A. Platt, Sheriff.

On petition for writ of certiorari to the Supreme Court of Errors of the State of Connecticut.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Errors of the State of Connecticut, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

J. R. Phillips, Jr., and Herbert C. Pooks, Executors of Nelson H. Pooks,
Petitioners,
332 vs.
John J. Ghingher, Receiver of Central Trust Company of Maryland, etc.

On petition for writ of certiorari to the Court of Appeals of the State of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Maryland, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

William W. Cohen,
Petitioner,
333 vs.
Superior Oil Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Charles Martin,
Petitioner,
335 vs.
Harry E. Hull and Marion Butler.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Thomas R. Purman,
Petitioner,
336 vs.
Alice A. Smith.

On petition for writ of certiorari to the Superior Court of the State of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the State of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Wallace I. Kargman and Herman E. Klein,

Petitioners,

337 vs.

Grocery Center, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr.Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

W. L. Taylor and F. L. Bateman,

Petitioners,

339 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Charles A. Otis, William A. Otis, Mervin C. Harvey, et al., etc.,

Petitioners,

340 vs.

Martha W. Bennett, Administratrix of the Estate of S. A. Williams, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Consolidated Automatic Merchandising Corporation,

Petitioner,

344 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Frank J. Murnighan,

Petitioner,

347 vs.

Glen Sheridan Realty Trust, Debtor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Albert Goodman,

Petitioner,

351 vs.

The People of the State of Illinois, ex rel. the Chicago Bar Association.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Clarence Faye, as Ancillary Administrator of the Estate of Hugh McIntyre, Deceased,

Petitioner,

358 vs.

American Diamond Lines, Inc., and Black Diamond Steamship Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

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Railroad Commission of the State of California, et al.,

Appellants,

804 O.T. 1936 vs.

Pacific Gas and Electric Company.

A petition for rehearing having been filed in this case,

Upon consideration thereof, it is ordered by this Court that the said petition be, and the same is hereby, granted, and the case is restored to the docket and assigned for reargument.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

The State of Ohio, ex rel. Carl Green,

Petitioner,

849 O.T. 1936 vs.

Charles E. King, Clerk, etc., et al.

ON CONSIDERATION of the motion for leave to file a third petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this motion.

T. L. Tally, et al.,

Petitioners,

1003 O.T. 1936 vs.

Fox Film Corporation, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Chief Justice and Mr. Justice Black took no part in the consideration and decision of this petition.

The Chippewa Indians of Minnesota,

Appellants,

228 O.T. 1936 vs.

The United States, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

The Great Atlantic & Pacific Tea Company, et al.,

Appellants,

652 O.T. 1936 vs.

Alice Lee Grosjean, Supervisor, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

Anniston Manufacturing Company,

Petitioner,

667 O.T. 1936 vs.

Harwell G. Davis, Collector of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

The United States of America and Interstate Commerce Commission,

Appellants,

734 O.T. 1936 vs.

American Sheet & Tin Plate Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

Goodman Lumber Company,

Appellant,

855 O.T. 1936 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

A. O. Smith Corporation,

Appellant,

856 O.T. 1936 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

Robert W. Halliday and Mabel P. Halliday,

Petitioners,

867 O.T. 1936 vs.

State of Ohio, ex rel. I. J. Fulton, Superintendent, etc.;

Robert W. Halliday and Mabel P. Halliday,

Petitioners,

868 O.T. 1936 vs.

State of Ohio, ex rel. I. J. Fulton, Superintendent, etc.; and

Robert W. Halliday and Mabel P. Halliday,

Petitioners,

869 O.T. 1936 vs.

State of Ohio, ex rel. I. J. Fulton, Superintendent, etc.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

Cassius McDonald,

Petitioner,

897 O.T. 1936 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

R. J. Mitkey, et al.,

Petitioners,

899 O.T. 1936 vs.

S. T. McKnight Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

The Indiana Farmer's Guide Publishing Company,

Petitioner,

904 O.T. 1936 vs.

The Prairie Farmer Publishing Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

John F. Millhaubt,

Petitioner,

914 O.T. 1936 vs.

The State of Kansas.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

Samuel H. Davis,

Petitioner,

918 O.T. 1936 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

J. R. McLeod, as Sheriff, etc.,

Petitioner,

931 O.T. 1936 vs.

Frank E. Cooper, as Trustee, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

John W. Irvin,

Petitioner,

932 O.T. 1936 vs.

Buick Motor Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

Kenyon V. Painter,

Appellant,

938 O.T. 1936 vs.

The State of Ohio.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

General Electric Company,

Petitioner,

940 O.T. 1936 vs.

Electric Machinery Manufacturing Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

Catherine Fearon,

Appellant,

944 O.T. 1936 vs.

Charles Treanor.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

W. French Grubb,

Appellant,

947 O.T. 1936 vs.

E. H. Lawman, Receiver, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

Leander T. Reilly, et al.,

Petitioners,

974 O.T. 1936 vs.

Mike and Anna Stedronsky, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

L. C. Turman,

Petitioner,

978 O.T. 1936 vs.

Beryl Turman.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this petition.

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Mr. Justice Black took no part in the consideration or decision of the cases in which decisions or orders are this day announced.

The Atlantic Refining Company,

Appellant,

1 vs.

Commonwealth of Virginia.

Reargued by Mr. T. Justin Moore for the Appellant and by Mr. Abram P. Staples for the Appellee.

E. Pat Kelly, as Director of the Department of Labor and Industries of the State of Washington, et al.,

Petitioners,

2 vs.

State of Washington, on the relation of Foss Company, Inc., et al.

Reargument commenced by Mr. E. P. Donnelly for the Petitioners; and continued by Mr. Glenn J. Fairbrook for the Respondents; and by Mr. Assistant Solicitor General Bell for the United States as amicus curiae, by special leave of Court.

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, OCTOBER 12, 1937.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Frank J. Wideman, It is ordered that Forest H. Munger, Esquire, of West Palm Beach, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Hitch, It is ordered that Angel T. Correa, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest L. Wilkinson, It is ordered that Harry T. Ice, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. English, Jr., It is ordered that Waldo P. Johnson, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lester C. Dibble, It is ordered that Rob Roy Cerney, Esquire, of Mason City, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter L. Rice, It is ordered that John C. Herberg, Esquire, of St. Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Jesse C. Duke,

Petitioner,

229 vs.

The United States of America.

Motion to withhold order denying petition for writ of certiorari submitted by Mr. Jesse C. Duke, pro se.

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E. Pat Kelly, as Director of the Department of Labor and Industries of the State of Washington, et al.,

Petitioners,

2 vs.

State of Washington, on relation of Foss Company, Inc., et al.

Reargument concluded by Mr. E. P. Donnelly for the Petitioners.

Ernest K. James, Individually and
as State Tax Commissioner of the
State of West Virginia,

Appellant,

3 vs.

The Dravo Contracting Company.

Reargued by Mr. Clarence W. Meadows for the Appellant; by Mr. William S. Moorhead for the Appellee; and by Mr. Solicitor General Reed for the United States as amicus curiae, by special leave of Court.

Silas Mason Company, Inc., et al.,

Appellants,

7 vs.

Tax Commission of the State of
Washington, et al.

Reargument commenced by Mr. B. H. Kizer for the Appellants and continued by Mr. E. P. Donnelly for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Walter Andrew Shelley, Esquire, of Daytona Beach, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George M. Morris, It is ordered that Wm. L. Hassett, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George M. Morris, It is ordered that Alan Loth, Esquire, of Ft. Dodge, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Edward A. Dodd, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Doolan, It is ordered that Henry Ely McElwain, Jr., Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Everett Sanders, It is ordered that Frank C. Wade, Esquire, of Terre Haute, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John G. Heyburn, It is ordered that Arthur Peter, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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O R D E R

The following cases are advanced and assigned for argument on Thursday, November 11th, next:

804 O.T. 36	R. R. Commission of the State of California, et al., v. Pacific Gas and Electric Company.
13, Orig.	Ex Parte L. H. Heymann
97	The United States of America v. Ben Kapp, et al.
121	Pierce Lonergan v. The United States of America.
135	Frank Palko v. State of Connecticut.
146)	The United States of America v. Ralph Raynor
147)	The United States of America v. Chett Fowler
190	Nardone, et al., v. The United States of America.
202)	Harry Fleisher v. The United States of America.
203)	Sam Fleisher v. The United States of America.
204)	Joseph Stein v. The United States of America.
459	Nicholas J. Forte v. The United States of America.

Per Mr. Chief Justice Hughes.

Silas Mason Company, Inc., et al.,

Appellants,

7 vs.

Tax Commission of the State of Washington, et al.

Reargument concluded by Mr. E. P. Donnelly for the Appellees.

David H. Ryan,

Appellant,

8 vs.

The State of Washington, et al.

Reargued by Mr. John W. Davis for the Appellant; by Mr. Solicitor General Reed for the United States as Amicus Curiae, by special leave of Court; and by Mr. E. W. Schwellenbach and Mr. E. P. Donnelly for the Appellees.

Puget Sound Stevedoring Company,

Appellant,

68 vs.

The Tax Commission of the State of Washington, et al., etc.

Argument commenced by Mr. John Ambler for the Appellant; and continued by Mr. E. P. Donnelly for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William W. Crawford, It is ordered that Thomas A. Barker, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Crawford, It is ordered that Henry J. Tilford, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Doolan, It is ordered that Nelson Holm, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David O. Dunbar, It is ordered that Cassius M. Doty, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas M. Baker, It is ordered that William Koontz Reepe, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that Alan L. Bird, Esquire, of Rockland, State of Maine, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ross H. Snyder, It is ordered that Chauncey P. Carter, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Puget Sound Stevedoring Company,

Appellant,

68 vs.

The Tax Commission of the State of Washington, et al., etc.

Argument concluded by Mr. E. P. Donnelly for the Appellees.

Phillips Pipe Line Company,

Appellant,

4 vs.

The State of Missouri.

Argument commenced by Mr. H. P. Robinson for the Appellant.
The Court declined to hear further argument.

Chester C. Dodge, Catherine L. Baird, et al.,

Appellants,

5 vs.

Board of Education of the City of Chicago, et al.

Reargued by Mr. Allan J. Carter for the Appellants and by Mr. Frank S. Righeimer and Mr. Richard S. Folsom for the Appellees.

D. W. McEachern, Administrator, etc.,

Petitioner,

6 vs.

J. T. Rose, Former Collector of Internal Revenue, etc.

Argument commenced by Mr. W. A. Sutherland for the Petitioner and continued by Mr. Guy Patten for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Martin T. Fisher, It is ordered that Lillian S. Robertson, of Charleston, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clement L. Bouve, It is ordered that W. Harvey Wise, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Felix A. Russell, It is ordered that Fred N. Miller, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Belford Vance Lawson, Jr., It is ordered that Joseph E. Clayton, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ben S. Fisher, It is ordered that Lorienne Morrow Conlee, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that J. F. Nesleure, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ocean Accident and Guarantee Corporation, Limited,

Petitioner,

456 vs.

Rebecca Torres.

Motion for leave to file brief of Roy A. Bronson as amicus curiae, submitted by Mr. L. M. Denit.

Ocean Accident and Guarantee Corporation, Limited,

Petitioner,

456 vs.

Rebecca Torres.

ON CONSIDERATION of the motion for leave to file brief of Roy A. Bronson as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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D. W. McEachern, Administrator, etc.,

Petitioner,

6 vs.

J. T. Rose, Former Collector of Internal Revenue, etc.

Argument continued by Mr. Guy Patten for the Respondent and concluded by Mr. William A. Sutherland for the Petitioner.

The United States of America,

Petitioner,

11 vs.

Angie Crook Williams.

Argued by Mr. Julius C. Martin for the Petitioner and by Mr. Frank C. Wade for the Respondent.

A. M. Anderson, Receiver, etc.,

Petitioner,

12 vs.

Peter L. Atherton, Administrator, etc., et al.

Argued by Mr. George P. Barse and Mr. Eugene P. Locke for the Petitioner and by Mr. John C. Doolan for the Respondents.

United Gas Public Service Company,

Appellant,

13 vs.

State of Texas, et al.

Argument commenced by Mr. F. G. Coates for the Appellant and continued by Mr. Alfred M. Scott for the Appellees.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion for made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Edwin B. Wolchok, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Everett Sanders, It is ordered that Paul R. Shafer, Esquire, of Terre Haute, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William D. Whitney, It is ordered that George G. Tyler, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Edward Wainwright, It is ordered that Chas. W. Matten, Esquire, of Reading, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marvin H. Farrington, It is ordered that Horace J. Donnelly, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marvin H. Farrington, It is ordered that Milnor E. Gleaves, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ash, It is ordered that Randolph L. Carter, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Gottlieb, It is ordered that Philip J. Aronson, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Gottlieb, It is ordered that Israel Gerovitz, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hubert G. King, It is ordered that Joseph A. Carey, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Kathryn D. Penn, It is ordered that Ralph R. Campbell, Esquire, of Salem, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Bates, It is ordered that Lawrence W. Hobbs, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert N. Miller, It is ordered that Frank B. Ingersoll, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert N. Miller, It is ordered that William J. Kyle, Jr., Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Max Ammerman, It is ordered that Jeanne S. B. Brody, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. Collett, It is ordered that Frederick S. Jacobsen, Esquire, of Helena, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Max Ammerman, It is ordered that Edmund Dillon Mulville, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice announced the following orders of the Court:

Lawrence Hanfgarn,
Appellant,
vs.
423
George Mark.

Appeal from the Supreme Court of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

J. Bacon & Sons,
Appellant,
vs.
426
James W. Martin, Individually and as Commissioner of Revenue of the Commonwealth of Kentucky.

Appeal from the Court of Appeals of the Commonwealth of Kentucky.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the Commonwealth of Kentucky, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed as it does not appear from the record that there is a final judgment.

Per Mr. Chief Justice Hughes.

Samuel J. Morris,
Appellant,
vs.
The State of Alabama.

Appeal from the Supreme Court of the State of Alabama.

440

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed (1) for the want of a substantial federal question; (2) for the want of a properly presented federal question.

Per Mr. Chief Justice Hughes.

Samuel J. Morris,
Appellant,
vs.
The State of Alabama.

440

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Phillips Pipe Line Company,
Appellant,
vs.
The State of Missouri.

Appeal from the Supreme Court of the State of Missouri.

4

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this case.

A. M. Anderson, Receiver of the National Bank of Kentucky of Louisville,

Petitioner,

12 vs.

Peter L. Atherton, Administrator of the Estate of John M. Atherton, Deceased, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel:

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Clarence M. Brummett,

Petitioner.

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ON CONSIDERATION of the application herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Sophy Callahan,

Petitioner.

ON CONSIDERATION of the application herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jesse C. Duke,

Petitioner,

229 vs.

United States of America.

ON CONSIDERATION of the motion of the petitioner to stay the order denying the petition for writ of certiorari in this cause,

IT IS ORDERED by this Court that the order denying the petition for writ of certiorari herein be, and the same is hereby, stayed pending the filing and action by this Court on a petition for rehearing.

Per Mr. Chief Justice Hughes.

Georgia M. Spruill,

Petitioner,

385 vs.

Harriet T. Serven.

ON CONSIDERATION of the motion to withhold the order denying the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Francis Hunter,

Petitioner,

451 vs.

Commonwealth of Virginia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Francis Hunter,

Petitioner,

451 vs.

Commonwealth of Virginia.

On petition for writ of certiorari to the Supreme Court of Appeals of the State of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the State of Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David Paris,

Petitioner,

462 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David Paris,

Petitioner,

462 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thurman A. Brown,

Petitioner,

465 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thurman A. Brown,

Petitioner,

465 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The People of the State of New York,
ex rel. Consolidated Water Company
of Utica, New York,

Appellant,

380 vs.

Milo R. Maltbie, et al., etc.

In this case probable jurisdiction is noted. Further consideration of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Escanaba and Lake Superior Railroad
Company,

Appellant,

415 vs.

The United States of America, et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Robert K. Mookini and Lee Sau Chong,

Petitioners,

Order allowing certiorari.

319 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Century Indemnity Company,

Petitioner,

362 vs.

G. Nelson.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Noah Adair,

Petitioner,

365 vs.

Bank of America National Trust and Savings Association.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Thomas B. Hassett, Individually and as Former Acting Collector,

Petitioner,

375 vs.

E. Sohier Welch, et al., Executors.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Ticonic National Bank, Peoples-Ticonic National Bank, et al.,

Petitioners,

374 vs.

Lottie F. Sprague and Margaret Davis Sprague.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, limited to the question as to the allowance of interest.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Lever Brothers Company,

Petitioner,

343 vs.

Colgate-Palmolive-Peet Company and Proctor & Gamble Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone took no part in the consideration and decision of this application.

Pacific Coast Biscuit Co., a New Jersey Corporation,

Petitioner,

348 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank J. Ryan and Ryan Florida Corporation,

Petitioners,

353 vs.

M. U. Newfield, Individually and as Employee or Agent of the Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank J. Ryan and Ryan Florida Corporation,

Petitioners,

354 vs.

M. U. Newfield, Individually and as Employee or Agent of the Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Florida Tex Oil Company, a Corporation Organized Under the Laws of Delaware, etc., et al.,

Petitioners,

355 vs.

Robert L. Ballentine, Individually and as Employee or Agent of the Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

S. P. Kelly, Trustee in Bankruptcy for the Carlisle Packing Company, a Corporation, Bankrupt,
Petitioner,

356 vs.

The United States of America and the Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lela Mae Bethke, et al.,
Petitioners,

359 vs.

Grayburg Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Chase National Bank of the City of New York and F. S. Moseley & Co.,
Petitioners,

361 vs.

James B. Malone, as Receiver of the E. C. Denton Stores Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles O. Long, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

363

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William L. Bacon, Petitioner, vs. Northern Pacific Railway Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

364

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Jeffery-DeWitt Insulator Company, Petitioner, vs. The National Labor Relations Board. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

368

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pacific Hotel Apartment Company, Petitioner, vs. Arcady-Wilshire Company, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

371

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mark Graves, John J. Merrill and John P. Hennessey, as Commissioners Constituting the State Tax Commission of the State of New York, Petitioners, vs. Marion Brown Elliott, Horace P. Phelps, City Bank Farmers Trust Company, et al., etc. — On petition for writ of certiorari to the Surrogates' Court of New York County, State of New York.

372

ON CONSIDERATION of the petition for a writ of certiorari herein to the Surrogates' Court of New York County, State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Briarcliff Investment Company, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

379

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William B. Haffner and Madeleine B. Haffner,

Petitioners,

381 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

General Baking Company,

Petitioner,

382 vs.

Goldblatt Bros., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Plapao Laboratories, Inc., F. J. Stuart and Stuart Plaster-Pad Company,

Petitioners,

386 vs.

James A. Farley, Postmaster General of the United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lyon Incorporated and Lyon Cover Company,

Petitioners,

400 vs.

Clayton & Lambert Manufacturing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas F. Ratigan, Jr.,

Petitioner,

935 O.T. 1936 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

The Court will take a recess from Monday, October 25, to Monday, November 8, next.

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D. B. Heiner, Individually and as Former Collector of Internal Revenue, etc.,

Petitioner,

144 vs.

A. W. Mellon.

Motion to substitute parties Respondent submitted by Mr. William Wallace Booth for the Respondents.

D. B. Heiner, Individually and as Former Collector of Internal Revenue, etc.,

Petitioner,

144 vs.

A. W. Mellon.

The death of A. W. Mellon and the qualification of Paul Mellon, David K. E. Bruce, and Donald D. Shepard as executors of the estate of A. W. Mellon, having been suggested,

It is, on motion of counsel for the Respondents, ordered by this Court that Paul Mellon, David K. E. Bruce, and Donald D. Shepard, executors of the estate of A. W. Mellon, be substituted and made the parties Respondent in this case in place of A. W. Mellon, deceased.

Per Mr. Chief Justice Hughes.

United States, ex relatione Societe De Condensation et D'Applications Mecaniques,

Petitioner,

298 vs.

Conway P. Coe, Commissioner of Patents.

Motion to withhold order denying petition for writ of certiorari submitted by Mr. Reeve Lewis for the Petitioner.

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The New York Central Railroad Company,

Petitioner,

409 vs.

The Cincinnati Union Stock Yard Company.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

It appearing to the Court that counsel for the petitioner have filed a motion to dismiss the petition for writ of certiorari in this cause,

Therefore, in pursuance of said motion, it is ordered by this Court that the petition for writ of certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

The New York Central Railroad Company,

Petitioner,

410 vs.

The Cincinnati Union Stock Yard Company.

On petition for writ of certiorari to the Court of Appeals of Hamilton County, State of Ohio.

It appearing to the Court that counsel for the petitioner have filed a motion to dismiss the petition for writ of certiorari in this cause,

Therefore, in pursuance of said motion, it is ordered by this Court that the petition for writ of certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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United Gas Public Service Company,

Appellant,

13 vs.

State of Texas, et al.

Argument continued by Mr. Alfred M. Scott and by Mr. Edward H. Lange for the Appellees and concluded by Mr. F. G. Coates for the Appellant.

Federal Trade Commission,

Petitioner,

14 vs.

Standard Education Society, et al.

Argued by Mr. Assistant Attorney General Jackson for the Petitioner and by Mr. Henry Ward Beer for the Respondents.

Arthur G. Bogardus,

Petitioner,

15 vs.

Commissioner of Internal Revenue.

Argued by Mr. William D. Whitney for the Petitioner and by Mr. A. F. Prescott for the Respondent.

Henry C. Hale and Elizabeth C. Hale,

Appellants,

16 vs.

The Iowa State Board of Assessment and Review.

Argument commenced by Mr. Alan Loth for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, OCTOBER 19, 1937.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black.
Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harry H. Shelton, It is ordered that Freeman J. Daniels, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel A. King, It is ordered that Sophie G. Friedman, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. F. Prescott, Jr., It is ordered that Peter P. Gilbert, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Henry O. Hale and Elizabeth C. Hale,

Appellants,

16 vs.

The Iowa State Board of Assessment and Review.

Argument continued by Mr. Alan Loth for the Appellants; by Mr. Clair E. Hamilton for the Appellee; and concluded by Mr. William L. Hassett for the Appellants.

Bradley W. Palmer,

Petitioner,

19 vs.

Commissioner of Internal Revenue; and

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

59 vs.

Bradley W. Palmer.

Argued by Mr. Robert G. Dodge for Palmer and by Mr. Assistant Attorney General Morris for Helvering, Commissioner.

Oscar F. Mayer,

Petitioner,

22 vs.

Commissioner of Internal Revenue.

Argued by Mr. Llewellyn A. Luce for the Petitioner and by Mr. Assistant Attorney General Morris for the Respondent.

Texas & New Orleans Railroad
Company, et al.,

Petitioners,

17 vs.

Emma E. Neill, et al.

Argument commenced by Mr. Harper Macfarlane for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that Benjamin L. Cash, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edgar Bronson Tolman, It is ordered that Edward M. Colbach, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. O'Callaghan, It is ordered that Jonas Robert Cohler, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Towner, It is ordered that George William Ott, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jo Bailey Brown, It is ordered that John M. Haverty, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jo Bailey Brown, It is ordered that John M. Haverty, Jr., Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ben S. Fisher, It is ordered that William E. Walsh, II, Esquire, of Marshfield, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Hughes, Jr., It is ordered that Bernard F. Foley, Esquire, of Erie, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Texas & New Orleans Railroad Company, et al.,

Petitioners,

17 vs.

Emma E. Neill, et al.

Argument continued by Mr. Harper Macfarlane for the petitioners; by Mr. H. C. Carter for the Respondents; and concluded by Mr. W. L. Matthews for the Petitioners.

Thomas W. White, Individually and as
Former Collector of Internal Revenue,

Petitioner,

vs.

Philip J. Aronson, Trustee.

Motion for leave to appear and present oral argument for the Petitioner by Paul A. Freund, Esquire, pro hac vice, submitted by Mr. Solicitor General Reed.

Thomas W. White, Individually and as
Former Collector of Internal Revenue,

Petitioner,

vs.

Philip J. Aronson, Trustee.

ON CONSIDERATION of the motion that Paul A. Freund, Esq., be granted leave to appear and present oral argument for the Petitioner pro hac vice in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Thomas W. White, Individually and as
Former Collector of Internal Revenue,

Petitioner,

vs.

Philip J. Aronson, Trustee.

Argued by Mr. Paul A. Freund for the Petitioner, pro hac vice, by special leave of Court, and by Mr. Israel Gorovitz and Mr. Samuel Gottlieb for the Respondent.

Herman C. Groman,

Petitioner,

21 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. Egbert Robertson for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Frank J. Wideman, It is ordered that Richard P. Robbins, Esquire, of West Palm Beach, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Julius Moses, It is ordered that Adolph Moses, II, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel J. Roberts, It is ordered that Burton R. Laub, Esquire, of Erie, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel J. Roberts, It is ordered that William F. Illig, Esquire, of Erie, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter G. Moyle, It is ordered that Charles C. Gammons, Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guilford Stanley Jameson, It is ordered that Robert Ogden, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Austin F. Canfield, It is ordered that Matthew C. Cary, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank W. Kuehl, It is ordered that Ernest R. Feidler, Esquire, of Superior, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter E. Beebe, It is ordered that Hamilton K. Beebe, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter E. Beebe, It is ordered that Fred L. Wham, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dozier A. DeVane, It is ordered that Irving J. A. Renno, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel J. Roberts, It is ordered that Mortimer E. Graham, Esquire, of Erie, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Herman C. Groman,

Petitioner,

21 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. Egbert Robertson for the Petitioner; by Mr. J. Louis Monarch for the Respondent; and concluded by Mr. Egbert Robertson for the Petitioner.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

33 vs.

Raymond I. Bashford.

Argued by Mr. J. Louis Monarch for the Petitioner and by Mr. Walter G. Moyle for the Respondent.

Chicago Title and Trust Company, as Successor Trustee, etc.,

Petitioner,

23 vs.

Forty-one Thirty-six Wilcox Building Corporation; and

Chicago Title and Trust Company,
as Successor Trustee, etc.,

Petitioner,

24 vs.

Forty-one Thirty-six Wilcox
Building Corporation.

Argued by Mr. Frank H. Towner for the Petitioner and by Mr. George I. Haight for the Respondent.

Commonwealth of Pennsylvania,
ex rel. Elmer Sullivan,

Petitioner,

25 vs.

Stanley Ashe, Warden, etc.

Argument commenced by Mr. William J. Hughes, Jr., for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Philip M. Glick, It is ordered that Lewis Allen Sigler, Esquire, of Springfield, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. Jackson, It is ordered that Roe Mitchell Barrett, Esquire, of Santa Rosa, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester J. McGuire, It is ordered that Clark M. Robertson, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Israel B. Osgas, It is ordered that Solomon S. Goldsmith, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther E. Birdzell, It is ordered that R. Alvin Purcell, Esquire, of Grand Forks, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther E. Birdzell, It is ordered that J. K. Murray, Esquire, of Mott, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Harrison Mann, Jr., It is ordered that William J. Oven, Jr., Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gerald E. Lyons, It is ordered that Dana E. Brinck, Esquire, of Spokane, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Carter Fort, It is ordered that Douglas F. Smith, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy St. Louis, It is ordered that Sam A. Billingsley, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Charles N. Orr, Esquire, of St. Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Frederick J. Miller, Esquire, of Little Falls, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert A. Ferguson, It is ordered that Milton Gordon, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald C. Beeler, It is ordered that William J. MacKenzie, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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State of Texas and J. C. Clopton,
et al., etc.,

Petitioners,

28 vs.

David Donoghue, Trustee, etc.

Submitted by Mr. Wm. McCraw, Mr. Wm. C. Davis, Mr. W. J. Holt, Mr. Earl Street, Mr. Charles M. Kennedy, and Mr. Wm. Madden Hill for the Petitioners, and by Mr. W. B. Harrell for the Respondent.

State of Texas and J. C. Clopton
and Bullock Hyder, Receivers, &c.,

Petitioners,

28 vs.

David Donoghue, Trustee of Trinity
Refining Company, Debtor.

The Court directs that oral argument be presented by the Petitioners and Respondent and the case is set for oral argument on Wednesday, November 10th next.

Per Mr. Chief Justice Hughes.

Commonwealth of Pennsylvania,
ex rel. Elmer Sullivan,

Petitioner,

25 vs.

Stanley Ashe, Warden, etc.

Argument continued by Mr. Wm. J. Hughes, Jr., for the Petitioner; by Mr. Adrian Bonnelly and Mr. Burton R. Laub for the Respondent; and concluded by Mr. Bernard T. Foley for the Petitioner.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

27 vs.

H. C. Gowran; and

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

29 vs.

Annie M. Pfeiffer.

Argued by Mr. Assistant Attorney General Jackson for the Petitioner and by Mr. John C. Altman and Mr. A. L. Nash for the Respondents.

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Proclamation being made the Court is adjourned until Monday, October 25, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Victor C. Swearingen, Esquire, of Lansing, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. R. Pringle, It is ordered that Ralph W. Wilkins, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton R. Kroopf, It is ordered that William Meyer, Esquire, of Butte, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Virgil H. Gibbs, It is ordered that Donald M. Gibbs, Esquire, of Urbana, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Edward J. Ennis, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Logan Morris, It is ordered that Henderson Mathews, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mastin G. White, It is ordered that Maurice W. Acers, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Murphy, It is ordered that Daniel A. Crowley, Esquire, of Biddeford, State of Maine, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert B. Watts, It is ordered that Robert R. Rissman, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jerry A. Mathews, It is ordered that William E. Treadway, Esquire, of Spencer, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude R. Porter, It is ordered that D. L. Murrow, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude R. Porter, It is ordered that Rex H. Fowler, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude R. Porter, It is ordered that Louis E. Roddewig, Esquire, of Davenport, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur H. Deibert, It is ordered that Bart F. Wade, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Myers, It is ordered that Herbert R. Carter, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Ramsey, It is ordered that George A. Saden, Esquire, of Bridgeport, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Meredith M. Daubin, It is ordered that A. V. Cherbonnier, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Municipal City of South Bend, Indiana,

Petitioner,

434 vs.

John F. DeHaven, Treasurer of St. Joseph County, Indiana, et al.

Appeal from the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and on motion to dismiss, which was duly submitted;

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Hughes.

Mississippi Power & Light Company, et al.,

Appellants,

475 vs.

Julius Lowe, et al.

Appeal from the Supreme Court of the State of Mississippi.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was duly submitted:

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Phillips Petroleum Company,
Appellant,
vs.
State of Iowa and Leo J. Wegman, Treasurer of the State of Iowa.

Appeal from the Supreme Court of the State of Iowa.

477

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and on motion to dismiss, which was duly submitted:

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Texas & New Orleans Railroad Company, et al.,
Petitioners,
vs.
Emma E. Neill, et al.

On writ of certiorari to the Court of Civil Appeals of the State of Texas, 4th Supreme Judicial District.

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THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals of the State of Texas, 4th Supreme Judicial District, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the writ of certiorari, in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Hughes.

United States, ex relatione Societe De Condensation et D'Applications Mecaniques,

Petitioner,

298 vs.

Conway P. Coe, Commissioner of Patents.

ON CONSIDERATION of the motion to stay the order denying the petition for writ of certiorari in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David F. Mitchell, Edith C. Worley, et al.,

Petitioners,

495 vs.

The Supreme Court of the State of Florida, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David F. Mitchell, Edith C. Worley and Edward M. L'Engle,

Petitioners,

495 vs.

The Supreme Court of the State of Florida, et al.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David B. Hawkins,

Petitioner,

275 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David B. Hawkins,

Petitioner,

275 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milton Coverdale, Sheriff, etc.,

Appellant,

458 vs.

Arkansas-Louisiana Pipe Line Company.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

New York Rapid Transit Corporation,

Appellant,

435 vs.

The City of New York; and

Brooklyn and Queens Transit Corporation,

436 vs.

The City of New York.

In these cases probable jurisdiction is noted.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration and decision of this question.

The United States of America,

Appellant,

439 vs.

Philip Klein, Escheator of the Commonwealth of Pennsylvania.

In this case probable jurisdiction is noted. Further consideration of the question of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Schuylkill Trust Company,

Appellant,

447 vs.

The Commonwealth of Pennsylvania.

In this case probable jurisdiction is noted. The motion to advance is granted and the case is assigned for argument on Monday, December 6, next.

Per Mr. Chief Justice Hughes.

Eugene Szold,

Appellant,

427 vs.

Outlet Embroidery Supply Co., Inc.

Further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

M. C. Hinderlider, as State Engineer, &c., et al.,

Appellants,

437 vs.

The La Plata River and Cherry Creek Ditch Company.

Appeal from the Supreme Court of the State of Colorado.

Further consideration of the question of the jurisdiction of this Court and of the motion to dismiss is postponed to the hearing of the case on the merits.

The Court directs the attention of the Attorney General of the United States to this case, in which the validity of a compact between the States of Colorado and New Mexico of November 27, 1922, approved by Congress on January 29, 1925, is attacked upon the ground that the compact constitutes an unconstitutional interference with the alleged rights of the plaintiff; and the Court invites the Attorney General to submit his views upon the question whether the Act of August 24, 1937, 75th Congress, 1st Session, Chapter 754, is applicable.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

387 vs.

Bankline Oil Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Bankline Oil Company,

Petitioner,

388 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Duke Power Company and Southern Public Utilities Company,

Petitioners,

397 vs.

Greenwood County and E. L. Brooks, S. A. Agnew and E. I. Davis, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, and the case is set for hearing immediately following Nos. 64 and 65 and the cases are assigned for argument on Monday, December 6th next.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

406 vs.

Thomas A. O'Donnell.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is assigned for argument immediately following Nos. 387 and 388.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Kellogg Company,

Petitioner,

396 vs.

National Biscuit Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration and decision of this application.

Haywood Patterson,

Petitioner,

403 vs.

State of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this

General Electric Company,
Petitioner,
294 vs.
Amperex Electronic Products, Inc. and Electronic Laboratories, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Zahariadis,
Petitioner,
389 vs.
Frank Hays, Jr., Divisional Director of Immigration and Naturalization.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Indianapolis Amusement Company,
Petitioner,
390 vs.
Metro-Goldwyn-Mayer Distributing Corporation, Universal Film Exchanges, Incorporated, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Murine Company, Incorporated,
Petitioner,
394 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of ceritorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Snell Isle, Incorporated,
Petitioner,
395 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Santly Bros., Inc., and Bernice Petkere,
Petitioners,
399 vs.
W. A. Wilkie, Sometimes Known as Bud Wilkie.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Eastland Company,
Petitioner,
401 vs.
Federal Communications Commission,
Portland Broadcasting System, Inc.,
Intervener.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Congress Square Hotel Company,
Petitioner,
402 vs.
Federal Communications Commission,
Portland Broadcasting System, Inc.,
Intervener.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elisabeth R. Crossett,
Petitioner,
404 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guaranty Trust Company of New York, as Trustee, Marine Midland Trust Company of New York, as Trustee, et al.,

Petitioners,

405 vs.

Guy A. Thompson, as Trustee, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Sanitary District of Chicago,

Petitioner,

407 vs.

Activated Sludge, Inc., Edgar C. Guthard and Activated Sludge, Limited.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Royal Indemnity Company, a Corporation, and Globe Indemnity Company, a Corporation,

Petitioners,

411 vs.

Frank A. Cardillo, Deputy Commissioner, United States Employees' Compensation Commission and James S. Rennie.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Sophy Callahan,

Petitioner.

—

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James E. Bennett, Frank A. Miller, et al.,

Petitioners,

235 vs.

Board of Trade of the City of Chicago, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edna Victoria Jackson,

Petitioner,

479 vs.

The First National Bank in Ada, Oklahoma.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

It appearing to the Court that counsel for the petitioner has filed a motion to dismiss the petition for writ of certiorari in this cause,

Therefore, in pursuance of said motion, it is ordered by this Court that the petition for writ of certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, November 8, at

MONDAY, NOVEMBER 8, 1937.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that ~~Joe~~ Charles D. Hughes, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Fred E. Strine, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Eugene Black, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Oldham Clarke, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Oliver Lander Bright, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. Jackson, It is ordered that Eugene O'Dunne, Jr., Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Henry C. Coke, Jr., Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raphael Tourover, It is ordered that Arthur B. Sasalar, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raphael Tourover, It is ordered that Oswald K. Milmore, Esquire, of Berkeley, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raphael Tourover, It is ordered that Arthur Worischek, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James B. Malone, It is ordered that Malcolm E. Spencer, Esquire, of Springfield, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James B. Malone, It is ordered that Ben J. Goldman, Esquire, of Springfield, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Watson Smith, It is ordered that William A. Scott, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfons B. Landa, It is ordered that Arthur D. Condon, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Frederick J. Heid, Jr., Esquire, of Tulare, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William L. Hill, It is ordered that Dan R. Schwartz, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Perry W. Howard, It is ordered that William Davis Butts, Esquire, of Newport News, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl H. Davis, It is ordered that Abraham Chaifetz, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Rigby, It is ordered that Oscar B. Frazer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Neil Burkinshaw, It is ordered that Harold L. Warner, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Neil Burkinshaw, It is ordered that George D. Yeomans, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Everett Sanders, It is ordered that Samuel J. Rose, Esquire, of Johnson City, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George M. Wolcott, It is ordered that William H. Hotchkiss, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald C. Beelar, It is ordered that Percy H. Russell, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Perry W. Howard, It is ordered that Jacob J. Shapiro, Esquire, of Springfield, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Perry W. Howard, It is ordered that John J. George, Esquire, of Springfield, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Warren Madden, It is ordered that R. G. Kelly, Esquire, of Charleston, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Gwynn Gardiner, It is ordered that Edward Clark Lukens, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Reynolds Robertson, It is ordered that James F. Gray, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Lucien W. Shaw, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Roger John Traynor, Esquire, of Berkeley, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Benton, It is ordered that Harry R. Booth, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nathan A. Dobbins, It is ordered that William Robert Ming, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Federal Trade Commission,
Petitioner,
14 vs.
Standard Education Society, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered,adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed except as to the modification of clause ten of the Federal Trade Commission's order; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Puget Sound Stevedoring Company,
Appellant,
68 vs.
The Tax Commission of the State of Washington, et al., etc.

Appeal from the Supreme Court of the State of Washington.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court, costs in this Court to be equally divided; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Cardozo.

Henry O. Hale and Elizabeth C. Hale, Appellants,

vs.

The Iowa State Board of Assessment and Review.

Appeal from the Supreme Court of the State of Iowa.

16

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Iowa, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Cardozo.

Dissenting opinion by Mr. Justice Sutherland in which Mr. Justice McReynolds and Mr. Justice Butler join.

Chester C. Dodge, Catherine L. Baird, Azile B. Reynolds, et al., Appellants,

vs.

Board of Education of the City of Chicago, et al.

Appeal from the Supreme Court of the State of Illinois.

5

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Roberts.

Herman C. Groman,

Petitioner,

21 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

Mr. Justice Black took no part in the consideration or decision of this case.

D. W. McEachern, Administrator of the Estate of S. C. McEachern, Deceased,

Petitioner,

6 vs.

J. T. Rose, Former Collector of Internal Revenue for the District of Georgia.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Bradley W. Palmer,

Petitioner,

19 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

59 vs.

Bradley W. Palmer.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari in this cause, be, and the same is hereby, dismissed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Stone.

The United States of America,
Petitioner,
11 vs.
Angie Crook Williams.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Butler.

Commonwealth of Pennsylvania, ex rel. Elmer Sullivan,
Petitioner,
25 vs.
Stanley Ashe, Warden, State Penitentiary, Western District of Pennsylvania.

On writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Butler.

Arthur G. Bogardus, Petitioner, vs. Commissioner of Internal Revenue. On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

15

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Sutherland.

Dissenting: Mr. Justice Brandeis, Mr. Justice Stone, Mr. Justice Cardozo, and Mr. Justice Black.

The Atlantic Refining Company, Appellant, vs. Commonwealth of Virginia. Appeal from the Supreme Court of Appeals of the State of Virginia.

1

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Appeals of the State of Virginia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brandeis.

The Chief Justice took no part in the consideration or decision of this case.

Thomas W. White, Individually and as Former Collector of Internal Revenue,

Petitioner,

vs.

Philip J. Aronson, Trustee.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

20

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts.

Per Mr. Justice McReynolds.

Mr. Justice Stone and Mr. Justice Cardozo concur in the result.

E. Pat Kelly, as Director of the Department of Labor and Industries of the State of Washington, et al.,

Petitioners,

vs.

State of Washington on the relation of Foss Company, Inc., Allman-Hubble Tugboat Company, Inc., et al.

On writ of certiorari to the Supreme Court of the State of Washington.

2

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

Reynolds Metals Company, Louisville Industrial Foundation and A. G. Grayburn,

Appellants,

491 vs.

James W. Martin, Individually, and as Commissioner of Revenue, etc., et al.

Appeal from the Court of Appeals of the State of Kentucky.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of Kentucky, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Jesse E. Eubank,

Appellant,

509 vs.

The State of Ohio.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

O. A. Keach and O. A. Keach, as Executor of the Last Will and Testament of the Estate of Sarah Josephine Dennis, Deceased,

Appellants,

510 vs.

Ray McDonald and Cecil McDonald.

Appeal from the Supreme Court of the State of Kansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Hughes.

Oscar F. Mayer,

Petitioner,

22 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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ORDER OF ALLOTMENT OF JUSTICES.

It is ordered that the following allotment be made of the Chief Justice and Associate Justices of this Court among the circuits, agreeably to the acts of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit,	Louis D. Brandeis,	Associate Justice.
For the Second Circuit,	Harlan F. Stone,	Associate Justice.
For the Third Circuit,	Owen J. Roberts,	Associate Justice.
For the Fourth Circuit,	Charles Evans Hughes,	Chief Justice.
For the Fifth Circuit,	Hugo L. Black,	Associate Justice.
For the Sixth Circuit,	James C. McReynolds,	Associate Justice.
For the Seventh Circuit,	Benjamin N. Cardozo,	Associate Justice.
For the Eighth Circuit,	Pierce Butler,	Associate Justice.
For the Ninth Circuit,	George Sutherland,	Associate Justice.
For the Tenth Circuit,	Pierce Butler,	Associate Justice.

Per Mr. Chief Justice Hughes.

United Gas Public Service Company,

Appellant,

13 vs.

State of Texas, et al.

Reargument is ordered and the case is set for hearing on Monday, December 13, 1937. Without restricting argument in other respects, the Court especially desires to hear the parties on the state of the evidence as to the effect of the application of the Commission's rate to the years 1932 and 1933, that is, as to the revenues and expenses for those years on that basis, and as to the effect upon the rights of the appellant, with respect to those years, of the bond given on its appeal to the Commission.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

33 vs.

Raymond I. Bashford.

It is ordered that this case be restored to the Docket and assigned for reargument on Monday, December 13, next.

Per Mr. Chief Justice Hughes.

Ex Parte Charles Elmer Phillips,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus and of the application for bail herein,

IT IS ORDERED by this Court that the said motion and application be, and the same are hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Charles W. Atkins,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Charles Lefkowitz,

Petitioner,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Ralph Mark,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Samuel Lesser,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Nat J. Humphries,

Petitioner,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Joseph E. Jones,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Nolen H. Breedlove,

Appellant,

9 vs.

T. Earl Suttles, as Tax Collector.

Further consideration of the motion to dismiss is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

John M. Shannahan and Claude J. Jackson, as Trustees, etc., et al.,

Appellants,

502 vs.

The United States of America, et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner,

Order allowing certiorari.

413 vs.

Pennsylvania Greyhound Lines, Inc., and Greyhound Management Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated a s though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

Order allowing certiorari.

445 vs.

Stanley J. Patryas.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

General Electric Company,

Petitioner,

453 vs.

Wabash Appliance Corporation, Abe Adler and Abe M. Parker.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Frederick S. Deitrick, Receiver of the Boston-Continental National Bank, et al.,

Petitioners,

455 vs.

Standard Surety & Casualty Co. of New York.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

487 vs.

James E. O'Donnell, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

446 vs.

Elbe Oil Land Development Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is assigned for hearing immediately following No. 406.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

484 vs.

Charles H. Marshall, Administrator of the Estate of Josephine B. Marshall, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for hearing immediately following Nos. 349 and 375.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

505 vs.

George W. Elkins.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is assigned for hearing immediately following No. 55.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

William Leader, President of the American Federation of Full Fashioned Hosiery Workers, etc., et al.,

Petitioners,

414 vs.

Apex Hosiery Company.

A rule is ordered to issue, returnable on December 6, 1937, requiring the petitioners to show cause why the cause should not be dismissed upon the ground that the cause is moot.

Per Mr. Chief Justice Hughes.

United States of America, ex rel. Nathan Handler,

Petitioner,

416 vs.

Henry C. Hill, Warden of the United States Penitentiary at Lewisburg, Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied for the reason that the application for writ of certiorari was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

Haynes Drilling Company,

Petitioner,

450 vs.

Indian Territory Illuminating Oil Company.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied as it does not appear from the record that there is a final judgment.

Per Mr. Chief Justice Hughes.

American Paper Goods Company, Petitioner, — On petition for writ of certiorari to the Court of Claims.

370 vs.

The United States.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Trustees of Somerset Academy, et al., Petitioners, — On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

408 vs.

Arthur G. Picher, Receiver, Ticonic National Bank.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wabash Railway Company, Petitioner, — On petition for writ of certiorari to the Kansas City Court of Appeals, State of Missouri.

412 vs.

James Jenkins, Administrator of the Estate of Wilbur Jenkins, Deceased.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Kansas City Court of Appeals, State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David Buttrick Company, et al.,
Petitioners,
417 vs.
The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William L. Berger, Trustee in Bankruptcy of Merchandisers, Inc., etc.,
Petitioner,
418 vs.
Kingsport Press, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William L. Berger, Trustee in Bankruptcy of Merchandisers, Inc., etc.,
Petitioner,
419 vs.
Kingsport Press, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

C. D. Walker, as Trustee in Bankruptcy of the Bankrupt Estate of Lake Nursery Company, a Bankrupt,
Petitioner,

420 vs.

Florida Fruit Canners, Inc., a Florida Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Davidson Gulfport Fertilizer Company,
Petitioner,

421 vs.

Gulf and Ship Island Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Atlanta Trust Company,
Petitioner,

424 vs.

Federal Reserve Bank of Atlanta, for use of American Surety Company of New York, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,
Petitioner,
425 vs.
Delaware - New Jersey Ferry Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ella D. Rogers, Ella Rogers Descharnps, Individually and as Trustee, etc.,
Petitioners,
428 vs.
T. E. Marchant, as Receiver of the Orangeburg National Bank of South Carolina, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles W. Cramer, Administrator of the Estate of Arthur E. Hazeldine, Deceased,
Petitioner,
429 vs.
Phoenix Mutual Life Insurance Company of Hartford, Connecticut, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James S. Coburn, Grace K. Hugh and Mary E. King,

Petitioners,

430 vs.

Phoenix Mutual Life Insurance Company of Hartford, Connecticut, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles W. Cramer, Administrator of the Estate of Arthur E. Hazeldine, Deceased,

Petitioner,

431 vs.

Aetna Life Insurance Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James S. Coburn, Grace K. Hugh and Mary E. King,

Petitioners,

432 vs.

Aetna Life Insurance Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Quarries Company,
Petitioner,
438 vs.
Detroit, Toledo & Ironton Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Matson Navigation Company,
Petitioner,
441 vs.
Industrial Accident Commission of the State of California and Kilton I. Davis.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 1st Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 1st Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Eva Morgan and Morgan Drew,
Petitioners,
442 vs.
Leonard Bronner, Receiver, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Katherine M. Drew and Morgan Drew,
Petitioners,
443 vs.
Leonard Bronner, Receiver, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John F. Moran, Receiver of the Departmental Bank,
Petitioner,
444 vs.
Sydney B. Harrison.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Sioux Tribe of Indians,
Petitioner,
384 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ernest Cockrell,
Petitioner,
448 vs.
Board of Commissioners of the Buras Levee District and the Parish of Plaquemines.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Marvin Farrington and Parrish, Cohen Guthrie and Watters,
Petitioners,
449 vs.
Louis H. Pink, Superintendent of Insurance for the State of New York, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Griffin Manufacturing Company,
Petitioner,
452 vs.
The Boom Boiler and Welding Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Standard Oil Company of California,
Petitioner,
454 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ocean Accident and Guarantee Corporation, Limited,
Petitioner,
456 vs.
Rebecca Torres.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Stuyvesant Insurance Company,
Petitioner,
457 vs.
Sussex Fire Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Associated Investing Corporation,
Petitioner,
460 vs.
Utilities Power & Light Corporation, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Associated Investing Corporation,
Petitioner,
461 vs.
Utilities Power & Light Corporation, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Floyd H. Parker,
Petitioner,
463 vs.
Mississippi State Tax Commission.

On petition for writ of certiorari to the Supreme Court of the State of Mississippi.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Mississippi, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lawrence C. Phipps,
Petitioner,
464 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Reading Hotel Corporation,
Petitioner,
466 vs.
Protective Committee for First Mortgage Bondholders of Reading Hotel Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William F. Price and William Mayer (First Mortgage Bondholders of Debtor),
Petitioners,
467 vs.
Reading Hotel Corporation, Debtor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert R. Meyer, as a Stockholder of Debtor Corporation,
Petitioner,

468 vs.

Reading Hotel Corporation, Debtor, (in Possession), et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

D. A. Schulte, Inc.,
Petitioner,

470 vs.

Central Manhattan Properties, Inc. and Central Manhattan Properties Bondholders' Protective Committee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

D. A. Schulte, Inc.,
Petitioner,

471 vs.

Harold K. Guinzburg, Leonie K. Guinzburg and Lenore G. Marshall, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

D. A. Schulte, Inc., Petitioner, vs. Lee T. Smith and Bernard P. Day, as Trustees of Schulco Company, Inc. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

472

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

D. A. Schulte, Inc., Petitioner, vs. William T. McCance, Frank K. McCance, Joseph K. McCance, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

473

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Navigazione Libera Triestina, S. A., Petitioner, vs. Moran Towing & Transportation Company, Inc. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

474

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George W. Green,
Petitioner,
480 vs.
City of Stuart.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hiram M. Deem,
Petitioner,
482 vs.
Equitable Life Assurance Society of the United States.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Western Maryland Railway Company, The Chesapeake and Ohio Railway Company, et al.,
Petitioners,
488 vs.
Penn Veneer Company and Pennsylvania Furniture Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas J. Brady,

Petitioner,

163 vs.

Terminal Railroad Association of St. Louis.

It appearing that the judgment of the Supreme Court of Missouri is a final judgment under the decisions of that Court cited by Petitioner in his petition for rehearing, the petition is granted, the order denying a writ of certiorari is vacated and the writ of certiorari is granted.

Per Mr. Chief Justice Hughes.

Thomas J. Brady,

Petitioner,

Order allowing certiorari.

163 vs.

Terminal Railroad Association of St. Louis.

The petition herein for a writ of certiorari to the Supreme Court of the State of Missouri is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The State of Ohio ex rel. Carl Green,

Petitioner,

849 O.T. 1936 vs.

Charles E. King, Clerk of the Court of Common Pleas, etc., et al.

ON CONSIDERATION of the motion for leave to file a fourth petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

L. Gordon Hammersley,

Petitioner,

564 O.T. 1936 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred Elliott, et al.,

Petitioners,

65 vs.

University of Illinois, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Burdine C. Anderson, et al.,

Petitioners,

88 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Byrne Manufacturing Company,

Petitioner,

119 vs.

American Flange & Manufacturing Company, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elton Cruse, Administrator, et al.,

Petitioners,

132 vs.

Sabine Transportation Company, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Grover C. Buchen, et al.,

Petitioners,

166 vs.

The Bank of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied:

Per Mr. Chief Justice Hughes.

R. J. Nitkey,

Petitioner,

174 vs.

Joseph A. Ward, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bernie Ray Stewart, et al.,

Petitioners,

179 vs.

Lindsay S. Wall, Administrator, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Cincinnati, Newport & Covington Railway Company,

Petitioner,

207 vs.

The City of Cincinnati, Ohio, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alfred Demarois,

Petitioner,

212 vs.

John Farrel, United States Marshal, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jesse C. Duke,

Petitioner,

229 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. L. Lynch,

Petitioner,

240 vs.

Helen Kemp.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Diocese of Olympia, Inc.,

Appellant,

254 vs.

William H. Pemberton, Supervisor, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bert Vilas,

Appellant,

267 vs.

Iowa State Board of Assessment and Review, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter G. Roland to the use of Robert P. Shick, et al.,

Petitioners,

285 vs.

Harry M. Albright, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States, ex relatione Societe de Condensation et D'Applications Mecaniques,

Petitioner,

298 vs.

Conway P. Coe, Commissioner of Patents.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fidelity & Columbia Trust Company, Trustee, etc.,

Petitioner,

308 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert E. McGrath,

Petitioner,

309 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Louisville Trust Co., et al.,

Petitioners,

310 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fidelity & Columbia Trust Company, Trustee, etc.,

Petitioner,

311 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas R. Purman,

Petitioner,

336 vs.

Alice A. Smith.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Owen Couche,

Appellant,

341 vs.

The State of Louisiana.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles Anderson,

Petitioner,

345 vs.

Eva Odisho.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

General Motors Corporation,

Petitioner,

350 vs.

The Swan Carburetor Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Albert Goodman,

Petitioner,

351 vs.

The People of the State of Illinois, ex rel. The Chicago Bar Association.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank J. Ryan, et al.,

Petitioners,

353 vs.

M. U. Newfield, Individually, etc.;

Frank J. Ryan, et al.,

Petitioners,

354 vs.

M. U. Newfield, Individually, etc.; and

Florida Tex Oil Company, a Corporation, etc., et al.,

Petitioners,

355 vs.

Robert L. Ballentine, Individually, etc.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anthony Dallao,

Appellant,

376 vs.

The State of Louisiana.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Ugarte,

Appellant,

377 vs.

The State of Louisiana.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Georgia M. Spruill,

Petitioner,

385 vs.

Harriet T. Serven.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Kellogg Company,

Petitioner,

396 vs.

National Biscuit Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Railroad Commission of the State of California, et al.,

Appellants,

804 O.T. 1936 vs.

Pacific Gas and Electric Company.

Motion that leave be granted the Federal Power Commission to appear and present oral argument as amicus curiae, submitted by Mr. Solicitor General Reed.

Railroad Commission of the State of California, et al.,

Appellants,

804 O.T. 1936 vs.

Pacific Gas and Electric Company.

ON CONSIDERATION of the motion of Mr. Solicitor General Reed that leave be granted counsel for the Federal Power Commission to appear and present oral argument in this case as amicus curiae,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

In re

Disbarment of Jesse C. Duke.

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Motion to vacate order of disbarment submitted by Mr. Jesse C. Duke pro se.

Jesse C. Duke,

Petitioner,

229 vs.

The United States of Amerida.

Motion as to bias and prejudice submitted by Mr. Jesse C. Duke pro se.

Ex Parte Jesse C. Duke,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus submitted by Mr. Jesse C. Duke pro se.

Robert G. Stone and Carrie M. Stone,
Trustees, etc.,

Petitioners,

202 O.T. 1935 vs.

Thomas W. White, Former Collector, etc.

Motion for leave to file petition for rehearing submitted by Mr. Frederick A. Ballard in behalf of counsel for the Petitioners.

Ex Parte Robert G. Taylor, et al.,

Petitioners.

—, Original.

Motion for leave to file a brief as to the legality of the oath taken by Mr. Justice Black submitted by Mr. Robert G. Taylor pro se.

Ex Parte E. D. Fryer and
Terminal Warehouse, Inc.,

Petitioners.

—, Original.

Motion for leave to file petition for writ of certiorari submitted by Mr. B. F. Saltzstein and Mr. Irving A. Puchner for the Petitioners.

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Jesse C. Duke,

Petitioner,

229 vs.

The United States of America.

ON CONSIDERATION of the motion of the Petitioner to stay the order denying petition for writ of certiorari and the order denying petition for rehearing thereof,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Natural Gas Pipeline Company
of America,

Appellant,

230 vs.

James M. Slattery, et al.

Argued by Mr. Douglas P. Smith for the Appellant and by Mr. Harry R. Booth for the Appellees.

Aluminum Company of America,

Appellant,

281 vs.

The United States of America.

Argument commenced by Mr. William Watson Smith for the Appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert E. Lynch, It is ordered that E. Louise Chandler, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Coulter Wells, It is ordered that William E. Carey, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh H. Obear, It is ordered that Robert F. Goldman, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. Pledger, Jr., It is ordered that Arthur C. Huston, Jr., Esquire, of Woodland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter E. Beebe, It is ordered that George B. McKibbin, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis Karasik, It is ordered that Harris Jay Griston, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Jesse C. Duke,

Petitioner,

229 vs.

The United States of America.

Motions to recall order denying petition for writ of certiorari and to reconsider petition for rehearing submitted by Mr. Jesse C. Duke, pro se.

Frank J. Ryan, et al.,

Petitioners,

353 vs.

M. U. Newfield, Individually, etc.;

Frank J. Ryan, et al.,

Petitioners,

354 vs.

M. U. Newfield, Individually, etc.; and

Florida Tex Oil Company, et al.,

Petitioners,

355 vs.

Robert L. Ballentine, Individually, etc.

Motion for leave to file a second petition for rehearing and suggestion of disqualification submitted by Mr. Wm. C. Pierce for the Peti-

Aluminum Company of America,

Appellant,

281 vs.

The United States of America.

Argument continued by Mr. William Watson Smith for the Appellant; by Mr. Assistant Attorney General Jackson for the Appellee; and concluded by Mr. William Watson Smith for the Appellant.

The People of Puerto Rico,

Petitioner,

18 vs.

The Shell Co., (P.R.) Limited, et al.

Argued by Mr. Wm. Cattron Rigby for the Petitioner and by Mr. William D. Whitney and Mr. James R. Beverley for the Respondents.

Abraham C. Berman,

Petitioner,

26 vs.

The United States of America.

Argued by Mr. Samuel H. Kaufman for the Petitioner and by Mr. William W. Barron for the Respondent.

William D. Frad,

Petitioner,

87 vs.

John J. Kelly, United States Marshal for the Southern District of New York, etc.

Argument commenced by Mr. Harris Jay Griston for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, NOVEMBER 10, 1937.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black.
Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Louis Karasik, It is ordered that Frank Weinstein, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin G. White, It is ordered that George E. Cooper, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

William D. Frad,

Petitioner,

87 vs.

John J. Kelly, United States Marshal
for the Southern District of New York, etc.

Argument continued by Mr. Harris Jay Griston for the Petitioner. The Court declined to hear further argument.

The United States of America, on
relation of Chester A. Willoughby,
as Trustee, etc., et al.,

Petitioners,

30 vs.

Sam Howard, et al.

Argued by Mr. Walter E. Beebe for the Petitioners and by Mr. Lloyd Heth and Mr. Julius Moses for the Respondents.

State of Texas, et al., etc.,

Petitioners,

28 vs.

David Donoghue, Trustee of Trinity
Refining Company, Debtor.

Motion to substitute party respondent submitted by Mr. Robert W. Kellough.

State of Texas and J. C. Clopton
and Bullock Hyder, Receivers, etc.,

Petitioners,

28 vs.

David Donoghue, Trustee of Trinity
Refining Company, Debtor.

ON CONSIDERATION of the motion to substitute David Donoghue in his capacity as a Trustee under the order to liquidate in lieu and instead of as Trustee before liquidation under the provisions of Section 77B of the Bankruptcy Act,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

State of Texas, et al., etc.,

Petitioners,

28 vs.

David Donoghue, Trustee of
Trinity Refining Company, Debtor.

Argument commenced by Mr. William C. Davis for the Petitioners; continued by Mr. William B. Harrell and Mr. Robert W. Kellough for the Respondent; and concluded by Mr. W. J. Holt for the Petitioners.

M. G. McNair, as Receiver of the
First National Bank of Perry, etc.,

Petitioner,

32 vs.

W. V. Knott, as Treasurer of the
State of Florida, et al.

Argument commenced by Mr. J. Turner Butler for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Erwin W. Clausen, It is ordered that John H. Cantrell, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene C. Taylor, It is ordered that Hugh Slater Wertz, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Cantrel, It is ordered that Patrick J. Roche, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Cantrel, It is ordered that Edmund J. Fanning, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter E. Wilcz, It is ordered that Carl M. Loos, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry A. Schweinhaut, It is ordered that James Anthony Loughery, Esquire, of Greenwich, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Max Rhoade, It is ordered that Irving H. Flamm, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Josephus C. Trimble, It is ordered that George R. Jeffrey, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Railroad Commission of the State
of California, et al.,

Appellants,

804 O.T. 1936 vs.

Pacific Gas and Electric Company.

Motion for leavefor the Public Utility Commission of the Commonwealth of Pennsylvania to file a brief as amicus curiae by November 19 next, submitted by Mr. John C. Kelley.

Railroad Commission of the State
of California, et al.,

Appellants,

804 O.T. 1936 vs.

Pacific Gas and Electric Company.

ON CONSIDERATION of the motion of counsel in behalf of the Public Utility Commission of the Commonwealth of Pennsylvania for leave to file brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

M. G. McNair, as Receiver of the
First National Bank of Perry, etc.,

Petitioner,

32 vs.

W. V. Knott, as Treasurer of the
State of Florida, et al.

Argument continued by Mr. J. Turner Butler for the Petitioner; by Mr. J. Compton French for the Respondents; and concluded by Mr. George P. Barse for the Petitioner, with leave to Respondent to file an additional brief within five days.

Railroad Commission of the State
of California, et al.,

Appellants,

804 O.T. 1936 vs.

Pacific Gas and Electric Company.

Reargued by Mr. Ira H. Rowell for the Appellants; by Mr. Oswald Ryan for the Federal Power Commission, as amicus curiae, by special leave of Court; and by Mr. Warren Olney, Jr., for the Appellee with leave to Appellee to file an additional brief by November 26, next.

Ex Parte L. H. Heymann, et al.,

Petitioners.

13, Original.

Argument commenced by Mr. Walter E. Wiles for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert H. Jackson, It is ordered that Sylvester Earl Nevers, Esquire, of Albany, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. Jackson, It is ordered that John T. Cahill, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Granville Curry, It is ordered that Vernon W. Foster, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Julian G. Straus, It is ordered that Thomas O'Rourke Gallagher, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Friedman, It is ordered that Alfred A. May, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Friedman, It is ordered that Arthur H. Ratner, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Charles W. Cramer, Administrator, etc.,

Petitioner,

429 vs.

Phoenix Mutual Life Insurance Company of Hartford, Connecticut, et al.;

James S. Coburn, et al.,

Petitioners,

430 vs.

Phoenix Mutual Life Insurance Company of Hartford, Connecticut, et al.;

Charles W. Cramer, Administrator, etc.,

Petitioner,

431 vs.

Aetna Life Insurance Company, et al.; and

James S. Coburn, et al.,

Petitioners,

432 vs.

Aetna Life Insurance Company, et al.

Motion to withhold orders denying petition for writs of certiorari submitted by Mr. Richard S. Doyle in behalf of counsel for the Petitioners.

Charles W. Cramer, Administrator, etc.,

Petitioner,

429 vs.

Phoenix Mutual Life Insurance Company of Hartford, Connecticut, et al.;

James S. Coburn, et al.,

Petitioners,

430 vs.

Phoenix Mutual Life Insurance Company of Hartford, Connecticut, et al.;

Charles W. Cramer, Administrator, etc.,

Petitioner,

431 vs.

Aetna Life Insurance Company, et al.; and

James S. Coburn, et al.,

Petitioners,

432 vs.

Aetna Life Insurance Company, et al.

ON CONSIDERATION of the motion to withhold the orders denying the petition for writs of certiorari in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ex Parte L. H. Heymann, et al.,

Petitioners.

13, Original.

Argument continued by Mr. Walter E. Wiles for the Petitioners; continued by Mr. Irving M. Flamm for the Respondents; and concluded by Mr. Walter E. Wiles for the Petitioners.

The United States of America,

Appellant,

97 vs.

Ben Kapp, et al.

Argued by Mr. Assistant Attorney General McMahon for the Appellant and by Mr. Wm. J. Hughes, Jr., for the Appellees.

Frank Palko,

Appellant,

135 vs.

State of Connecticut.

Argument commenced by Mr. David Goldstein for the Appellant; continued by Mr. Wm. H. Comley for the Appellee; and concluded by Mr. George A. Saden for the Appellant.

The United States of America,

Petitioner,

146 vs.

Ralph Raynor; and

The United States of America,

Petitioner,

147 vs.

Chett Fowler.

Argument commenced by Mr. Assistant Attorney General McMahon for the Petitioner.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Llewellyn Brittain Duke, It is ordered that Robert William McKissick, Esquire, of Sweetwater, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Arthur J. Goldberg, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Meyer J. Sawyer, It is ordered that Leon L. Silbert, Esquire, of Nahant, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Matthew F. McGuire, Esquire, of Somerville, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward W. Madeira, It is ordered that Lemuel B. Schofield, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that J. Albert Woll, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Crawford Biggs, It is ordered that Jno. M. Duncan, Esquire, of Raleigh, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert M. Zacharias, It is ordered that Horatio Tocco, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert M. Zacharias, It is ordered that George L. Quilici, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Dempsey, It is ordered that William C. Koplovitz, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Dempsey, It is ordered that Morris Miller, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that W. S. Northcutt, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that E. Harold Sheats, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman J. Morrisson, It is ordered that Morton B. Icove, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ellis N. Slack, It is ordered that W. Havard Perkins, Esquire, of St. Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Cantrel, It is ordered that William G. Wall, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald V. Hunter, It is ordered that Timothy F. Ryan, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald V. Hunter, It is ordered that Francis Albert Wolf, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald V. Hunter, It is ordered that Oscar J. Meyer, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph J. Cotter, It is ordered that Claude C. Smith, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph J. Cotter, It is ordered that Sanford D. Beecher, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Chicago Title and Trust Company, as Successor Trustee Under the Trust Deed Recorded as Document No. 10325493,

Petitioner,

vs.

Forty-one Thirty-Six Wilcox Building Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

23

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Sutherland.

Dissenting opinion by Mr. Justice Cardozo in which Mr. Justice Stone and Mr. Justice Black join.

Chicago Title and Trust Company, as Successor Trustee Under the Trust Deed Recorded as Document No. 10325403,

Petitioner,

vs.

Forty-one Thirty-six Wilcox Building Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

24

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Sutherland.

Dissenting opinion by Mr. Justice Cardozo in which Mr. Justice Stone and Mr. Justice Black join.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Robert G. Taylor, et al.,

Petitioners.

—, Original.

ON CONSIDERATION of the motion for leave to file a brief herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In re Disbarment of

Jesse C. Duke.

ON CONSIDERATION of the motion to vacate the order of disbarment herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Jesse C. Duke,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jesse C. Duke, Petitioner, vs. The United States of America. 229

Motion for leave to file affidavit as to bias and prejudice.

UPON CONSIDERATION of the affidavit attached to the motion, the motion is denied.

Per Mr. Chief Justice Hughes.

Jesse C. Duke,

Petitioner,

vs.

The United States of America. 229

ON CONSIDERATION of the petition to set aside the orders of the Court denying the petition for writ of certiorari and petition for rehearing in this case,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Jesse C. Duke,

Petitioner,

229 vs.

The United States of America.

ON CONSIDERATION of the motion for reconsideration of the motion to stay the order denying petition for writ of certiorari and the order denying petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte E. D. Pryer, et al., Petitioners.

Motion for leave to file petition for Writ of Certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

14, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ex Parte E. D. Pryer and Terminal Warehouse, Inc., Petitioners.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

14, Original.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert Lee,

Petitioner,

392 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert Lee,

Petitioner,

392 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles W. Coller,

Petitioner,

516 vs.

Charles H. Pearce, Trustee, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles W. Coller,

Petitioner,

516 vs.

Charles H. Pearce, Trustee of the Bankrupt Estate of Charles W. Coller and J. E. Baker Company, Mortgagees.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gabriele Giordano,

Petitioner,

520 vs.

The City of Asbury Park, Peter Masco, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gabriele Giordano,

Petitioner,

520 vs.

The City of Asbury Park, Peter Masco, Louis Tumen, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ruth Stevens, Administratrix of the Estate of Herbert Stevens, Deceased,

Petitioner,

527 vs.

Charles P. Megan, Trustee of the Property of Chicago & Northwestern Railway Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ruth Stevens, Administratrix of the Estate of Herbert Stevens, Deceased,

Petitioner,

527 vs.

Charles P. Megan, Trustee of the Property of Chicago & Northwestern Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, et al.,

Appellants,

514 vs.

Pan American Petroleum Corporation, et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America, et al.,

Appellants,

530 vs.

Humble Oil & Refining Company, et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

499 vs.

Robert K. Wurts.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

State of Indiana, ex rel. Dorothy Anderson,

Petitioner,

256 vs.

Harry Brand, Trustee of Chester School Township of Wabash County, Indiana.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Indiana is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Laura G. Foster, as Executrix of the Estate of Chapman Foster, Deceased,
Petitioner,

469 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, limited to the question whether the total value of the property held by the decedent and petitioner as joint tenants, as decided by the Circuit Court of Appeals, or only one half thereof, should be included in the gross estate of the decedent for the purpose of the federal estate tax. The case is assigned for hearing immediately following No. 346.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Louisiana & Arkansas Railway Company,
Petitioner,

478 vs.

Mrs. Esther Francis.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Woodrow Ollie Wilson, et al., Minors by Guardian, etc., Petitioners,

483 vs.

Ed Fisher, et al.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 3d Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 3d Supreme Judicial District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Ii Estate, Limited, Petitioner,

489 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert W. Shingle, Albert N. Campbell and John K. Clarke, as Trustees Under the Will and of the Estate of James Campbell, Deceased, et al., Petitioners,

490 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Belmont Iron Works,

Petitioner,

492 vs.

Pacific Coast Direct Line, Inc.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. C. Tyrrell, Helen R. McGill and Ruth R. Steves, etc., et al.,

Petitioners,

493 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Atlantic Pipe Line Company,

Petitioner,

494 vs.

Brown County (Texas), et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Texas,
Petitioner,
496 vs.
Anderson, Clayton & Company, The Wichita Valley Railroad Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fort Worth Properties Corporation,
Petitioner,
497 vs.
Irving Trust Company, as Trustee of Radio Keith Orpheum Corporation, Debtor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,
Petitioner,
498 vs.
The Christian Ganahl Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Irving Trust Company, as Trustee of the Estate of Radio-Keith-Orpheum Corporation,

Petitioner,

500 vs.

The Hippodrome Building Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Morley Construction Company, and Merchants Bank of Kansas City, Missouri,

Petitioners,

501 vs.

Maryland Casualty Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Electro Thermal Company,

Petitioner,

503 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paramount Productions, Inc.,
Petitioner,
506 vs.
Walton Hall Smith.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States Pipe and Foundry Company,
Petitioner,
507 vs.
City of Waco, et al.

On petition for writ of certiorari to the Supreme Court of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Globe and Rutgers Fire Insurance Company,
Petitioner,
513 vs.
William Rose.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John L. Clarkson,

Petitioner,

541 vs.

Indiana and Illinois Coal Corporation and Goodman Manufacturing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert G. Stone, et al.,

Petitioners,

202 O.T. 1935 vs.

Thomas W. White, Former Collector of Internal Revenue, etc.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the petition for rehearing be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank J. Ryan, et al.,

Petitioners,

353 vs.

M. U. Newfield, Individually, etc.;

Frank J. Ryan, et al.,

Petitioners,

354 vs.

M. U. Newfield, Individually, etc.; and

Florida Tex Oil Company, et al.,

Petitioners,

355 vs.

Robert L. Ballentine, Individually, etc.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing and suggestion of disqualification,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. B. Livermore,

Petitioner,

219 vs.

Carl H. Beal, et al.;

Mary P. Boyd, as Administratrix, etc.,

Petitioner,

220 vs.

Amos W. Elliott, et al.;

Albert Louis Kreiss,

Petitioner,

221 vs.

Amos W. Elliott, et al., and

J. W. Livermore,

Petitioner,

222 vs.

Carl H. Beal, et al.

A petition for rehearing having been filed in these cases,

Upon consideration thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

General Baking Company,

Petitioner,

382 vs.

Goldblatt Bros., Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles W. Cramer, Administrator, etc.,

Petitioner,

429 vs.

Phoenix Mutual Life Insurance Company, et al.;

James S. Coburn, et al.,

Petitioners,

430 vs.

Phoenix Mutual Life Insurance Company, et al.;

Charles W. Cramer, Administrator, etc.,

Petitioner,

431 vs.

Aetna Life Insurance Company, et al.; and

James S. Coburn, et al.,

Petitioners,

432 vs.

Aetna Life Insurance Company, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel J. Morris,

Appellant,

440 vs.

The State of Alabama.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

The Court will take a recess from Monday, November 22, until Monday, December 6, next.

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Emery Bird Thayer Dry Goods Company, et al.,

268 vs. (On certificate)

Moses Williams, et al.; and

Moses Williams, et al.,

269 vs. (On certificate)

Emery Bird Thayer Dry Goods Company, et al.

Motion to bring up the entire record and cause submitted by Mr. Richard H. Wilmer in behalf of counsel for Emery Bird Thayer Dry Goods Company, et al., in support of the motion and by Mr. Henry M. Channing and Mr. Barton Corneau for Williams, et al., in opposition thereto.

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The United States of America,

Petitioner,

146 vs.

Ralph Raynor; and

The United States of America,

Petitioner,

147 vs.

Chett Fowler.

Argument continued by Mr. Assistant Attorney General McMahon for the Petitioner; by Mr. John Elliott Byrne for the Respondents; and concluded by Mr. Assistant Attorney General McMahon for the Petitioner.

Frank Carmine Nardone, et al.,

Petitioners,

190 vs.

The United States of America.

Argument commenced by Mr. Louis Halle for the Petitioners; continued by Mr. Thomas O'Rourke Gallagher for the Petitioners; by Mr. William W. Barron for the Respondent; and concluded by Mr. Louis Halle for the Petitioners.

Harry Fleisher,

Petitioner,

202 vs.

The United States of America;

San Fleisher,

Petitioner,

203 vs.

The United States of America; and

Joseph Stein,

Petitioner,

204 vs.

The United States of America.

Argued by Mr. Bates Booth for the Respondent and cases submitted by Mr. Isidore G. Stone, Mr. Alfred A. May, and Mr. Arthur H. Ratner for the Petitioners.

Nicholas J. Forte,

459 vs. (certificate)

The United States of America.

Argued by Mr. Henry A. Schweinhaut for the United States. No brief filed for Forte.

Worcester County Trust Company,
Executor,

Petitioner,

34 vs.

Ray L. Riley, Controller of the
State of California, et al.

Argument commenced by Mr. Merrill S. June for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, NOVEMBER 16, 1937.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that John L. Johannes, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin F. Smith, It is ordered that Clarence L. Gere, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dudley Miller Outcalt, It is ordered that Carson Hoy, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dudley Miller Outcalt, It is ordered that Simon L. Leis, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry S. Hall, It is ordered that Otto B. Schmidt, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren Fay Wattles, It is ordered that Alfred H. Phillips, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1937.

ORDER.

IT IS ORDERED that paragraph 4 of Rule XVIII of the General Orders in Bankruptcy be, and the same hereby is, amended, effective immediately, to read as follows:

XVIII.

4. This general order shall not apply to reorganization proceedings under section 77 of the Act.

IT IS FURTHER ORDERED that Rule LII of the General Orders in Bankruptcy be, and the same hereby is, amended, effective immediately, by inserting a new paragraph therein to read as follows:

LII.

4. Not less than ten days' notice of hearing upon any application for the sale or lease of property of the debtor pursuant to section 77B c (3½), except sales of perishable property, shall be given by mail to all creditors and stockholders of the debtor, addressed to them at their last known addresses appearing upon the records of the debtor or of the trustee, or to their attorneys of record. Paragraphs 1, 2 and 3 of General Order XVIII shall be applicable to such sales.

November 16, 1937.

Worcester County Trust Company,
Executor,

Petitioner,

34 vs.

Ray L. Riley, Controller of the
State of California, et al.

Argument continued by Mr. Merrill S. June for the Petitioner; by Mr. James J. Ronan for Henry F. Long, Commissioner of Corporations and Taxation of the Commonwealth of Massachusetts, Intervener, by special leave of Court; and concluded by Mr. George S. Fuller for the Respondent.

The National City Bank of New York,

Petitioner,

35 vs.

The People of the Philippine Islands.

Argued by Mr. Carl A. Mead for the Petitioner and by Mr. Raymond A. Walsh for the Respondent.

David A. Wright,

Petitioner,

37 vs.

The United States.

Argued by Mr. Ashby Williams for the Petitioner and by Mr. Assistant Attorney General Whitaker for the Respondent.

Nolen R. Breedlove,

Appellant,

9 vs.

T. Earl Suttles, as Tax Collector.

Argument on the motion to dismiss commenced by Mr. W. S. Northcutt for the Appellee in support of the motion and continued by Mr. J. Ira Harrelson for the Appellant in opposition thereto.

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William S. Culbertson, It is ordered that Frank R. Serri, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Miller, It is ordered that Harry L. Ponder, Jr., Esquire, of Walnut Ridge, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Horton, It is ordered that William H. Snyder, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis H. Barnes, It is ordered that Dorr W. Frisbee, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurman Wright, It is ordered that Bernard F. Holland, Jr., Esquire, of Norfolk, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurman Wright, It is ordered that Toy M. Gregory, Esquire, of Lancaster, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that George Thomas Davis, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert T. McCracken, It is ordered that C. Russell Phillips, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank K. Nebeker, It is ordered that Chas. R. Sutherland, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ex Parte Robert Gray Taylor, et al.,

Petitioners.

—, Original.

Motion for leave to file brief submitted by Mr. Robert Gray Taylor.

Harry H. Woodring, Secretary of War
of the United States of America, et al.,

Petitioners,

39 vs.

Clarksburg-Columbus Short Route Bridge Company.

Motion to pass until December 13, next, submitted by Mr. James S. McCluer for the Respondent.

Harry H. Woodring, Secretary of War
of the United States of America, et al.,

Petitioners,

39 vs.

Clarksburg-Columbus Short Route Bridge Company.

ON CONSIDERATION of the motion of counsel for the Respondent to pass this case until December 13, next,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

John Jensen and Mortimer Bye,

Petitioners,

521 vs.

Anthony J. Lorenz and Mark H. Wodlinger; and

John Jensen and Mortimer Bye,

Petitioners,

522 vs.

Anthony J. Lorenz and Mark H. Wodlinger.

Motion for leave to file brief as amicus curiae submitted by Mr. E. F. Wenderoth.

John Jensen and Mortimer Bye,

Petitioners,

521 vs.

Anthony J. Lorenz and Mark H. Wodlinger; and

John Jensen and Mortimer Bye,

Petitioners,

522 vs.

Anthony J. Lorenz and Mark H. Wodlinger.

ON CONSIDERATION of the motion of Mr. E. F. Wenderoth for leave to file brief as amicus curiae in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Nolen R. Breedlove,

Appellant,

9 vs.

T. Earl Suttles, as Tax Collector.

Argument on the motion to dismiss concluded by Mr. J. Ira Harrelson for the Appellant.

Argument on the merits commenced by Mr. J. Ira Harrelson for the Appellant; continued by Mr. Henry G. VanVeen for the Appellant; by Mr. W. S. Northcutt and Mr. E. Harold Sheats for the Appellee; and concluded by Mr. Henry G. VanVeen for the Appellant.

Louis Vogt, Sheriff of Kenton County, Kentucky,

Petitioner,

31 vs.

John T. Murphy.

Motion to substitute the party petitioner submitted by Mr. D. M. Outcalt for the Petitioner.

Louis Vogt, Sheriff of Kenton County, Kentucky,

Petitioner,

31 vs.

John T. Murphy.

ON CONSIDERATION of the motion to substitute Ennis J. Kenney, present Sheriff of Kenton County, as the party petitioner in this case in place of Louis Vogt, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ennis J. Kenney, Sheriff of Kenton County, Kentucky,

Petitioner,

31 vs.

John T. Murphy.

Motion to dismiss submitted by Mr. Chas. I. Dawson for the Respondent.

Argued on the motion to dismiss by Mr. Chas. I. Dawson for the Respondent in support thereof, and by Mr. D. M. Outcalt for the Petitioner in opposition thereto.

Joseph K. Willing, Receiver of Commercial National Bank, Philadelphia, Pennsylvania,

Petitioner,

36 vs.

Israel Binenstock, Individually, etc,, et al.

Argument commenced by Mr. James M. Kane for the Petitioner; continued by Mr. Robert T. McCracken for the Respondent; and concluded by Mr. George P. Barse for the Petitioner.

Fidelity & Deposit Company of Maryland,

Petitioner,

38 vs.

Louis H. Pink, Superintendent of Insurance of the State of New York, etc.

Argument commenced by Mr. Harold L. Smith for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Clarence O. McKay, It is ordered that Carroll R. Taber, Esquire, of Lansing, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest Lundeen, It is ordered that Edwin A. Hendricks, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George D. O'Brien, It is ordered that J. Leon Katz, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence F. Lea, It is ordered that Theodore W. Daniels, Esquire, of San Rafael, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Freels, It is ordered that Herbert J. Deany, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Melvin L. Griffith, It is ordered that Geo. M. Stevens, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde S. Bailey, It is ordered that Robert E. May, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert H. Porter, It is ordered that George J. Harding, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Fidelity & Deposit Company of Maryland,

Petitioner,

38 vs.

Louis H. Pink, Superintendent of Insurance of the State of New York, etc.

Argument continued by Mr. Harold L. Smith for the Petitioner; and concluded by Mr. Irvin Waldman for the Respondent.

Aetna Insurance Company,

Petitioner,

40 vs.

Illinois Railroad Company.

Argument commenced by Mr. Melvin L. Griffith for the Petitioner. The Court declined to hear further argument.

James D. Smyth, Executor, etc.,

Petitioner,

42 vs.

The United States;

The Dixie Terminal Company,

Petitioner,

43 vs.

The United States; and

The United States of America,

Petitioner,

198 vs.

Arthur W. Machen.

Argument commenced by Mr. Robert A. Taft for the Petitioners in Nos. 42 and 43; and continued by Mr. Solicitor General Reed for the United States; and by Mr. H. Vernon Eney for the Respondent in No. 198.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, NOVEMBER 19, 1937.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Edward T. Taylor, It is ordered that Edward Thomas Taylor, Jr., Esquire, of Modesto, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert T. McCracken, It is ordered that Milton J. Levitt, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert T. McCracken, It is ordered that Windsor F. Cousins, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard J. Gallagher, It is ordered that Anthony J. Travia, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Smith, Jr., It is ordered that Charles H. Howson, Esquire, of Philadelphia, State of Philadelphia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Smith, Jr., It is ordered that Dexter M. Shaw, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel A. King, It is ordered that Franklyn George, Esquire, of New Castle, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Taft, It is ordered that John R. Bullock, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Arthur G. Bogardus,

Petitioner,

15 vs.

Commissioner of Internal Revenue.

Motion that mandate issue forthwith submitted by Mr. Douglas Hatch on behalf of counsel for the Petitioner.

Arthur G. Bogardus,

Petitioner,

15 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion in behalf of counsel for the

petitioner that the mandate in this case issue forthwith,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

James D. Smyth, Executor, etc.,

Petitioner,

42 vs.

The United States;

The Dixie Terminal Company,

Petitioner,

43 vs.

The United States; and

The United States of America,

Petitioner,

198 vs.

Arthur W. Machen.

Argument continued by Mr. H. Vernon Eney for the Respondent in No. 198; by Mr. Robert A. Taft for the Petitioners in Nos. 42 ans 43; and concluded by Mr. Solicitor General Reed for the United States.

Phillips-Jones Corporation, Individually, et al.,

Petitioners,

45 vs.

C. S. Parmley, et al.

Motion to substitute a party respondent submitted by Mr. Robert T. McCracken for the Petitioners.

Phillips-Jones Corporation, Individually and Annie G. Phillips, et al.,

Petitioners,

45 vs.

C. S. Parmley, C. H. Parnell, Effie E. Scott, et al.

The death of C. S. Parmley and the qualification of Lottie E. Parmley as executrix under the will of C. S. Parmley having been suggested,

It is, on motion of counsel for the petitioners, ordered by this Court that Lottie E. Parmley, Executrix of the Estate of C. S. Parmley, Deceased, be substituted and made a party Respondent in this case in place of the said C. S. Parmley.

Per Mr. Chief Justice Hughes.

Phillips-Jones Corporation, Individually, et al.,

Petitioners,

45 vs.

Lottie E. Parmley, Executrix, etc., et al.

Argued by Mr. Robert T. McCracken for the Petitioners and case submitted by Respondent, Margaret Wilkinson, pro se.

Textile Machine Works,

Petitioner,

62 vs.

Louis Hirsch Textile Machines, Inc.

Argued by Mr. Charles H. Howson for the Petitioner and by Mr. Samuel E. Darby, Jr., for the Respondent.

The United States of America, et al.,

Appellants,

63 vs.

W. V. Griffin and H. W. Purvis, Receivers, etc.

Argued by Mr. Edward M. Reidy for the Appellants and by Mr. Poultrie Hitt for the Appellees.

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Proclamation being made the Court is adjourned until Monday, November 22, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that A. James Casner, Esquire, of Champaign, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morgan G. Sanders, It is ordered that Claude A. Williams, Esquire, of Longview, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard F. Whiteley, It is ordered that Norton Nesmith, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard J. Ganse, It is ordered that Sidney Moritz, Jr., Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude R. Porter, It is ordered that Oliver Burkett Lerch, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William P. Smith, It is ordered that Lionel H. Legare, Esquire, of Lewiston, State of Maine, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick L. Pearce, It is ordered that Erland B. Cook, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren E. Miller, It is ordered that Irving D. Gibson, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon Dean, It is ordered that Roland Maxwell, Esquire, of Pasadena, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

The Chief Justice announced the following orders of the Court:

The National City Bank of New York,
Petitioner,
35 vs.
The People of the Philippine Islands.

On writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of the Philippines, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause be, and the same is hereby, reversed with costs, and that the judgment of the Court of First Instance of Manila, dated the 24th day of July, 1934, be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Catherine Toole,
Appellant,
565 vs.
Miners Savings Bank of Pittston.

Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Hughes.

Emery Bird Thayer Dry Goods Company and the Emery Bird Thayer Realty Company,

268 vs.

Moses Williams, William Minot, Edwin D. Brooks, et al.; and

Moses Williams, William Minot, Edwin D. Brooks, et al.,

269 vs.

Emery Bird Thayer Dry Goods Company and the Emery Bird Thayer Realty Company.

ON CONSIDERATION of the motion to bring up the entire record and cause herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Emery Bird Thayer Dry Goods Company and the Emery Bird Thayer Realty Company,

268 vs.

Moses Williams, William Minot, Edwin D. Brooks, et al.

On certificate from the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on a certificate from the United States Circuit Court of Appeals for the Eighth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the certificate herein, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Moses Williams, William Minot, Edwin D. Brooks, et al.,

269 vs.

Emery Bird Thayer Dry Goods Company and the Emery Bird Thayer Realty Company.

On certificate from the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on a certificate from the United States Circuit Court of Appeals for the Eighth Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the certificate herein, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Ennis J. Kenney, Sheriff of Kenton County, Kentucky,

Petitioner,

31 vs.

John T. Murphy.

On writ of certiorari to the Circuit Court of Kenton County, Commonwealth of Kentucky.

THIS CAUSE came on to be heard on the transcript of the record from the Circuit Court of Kenton County, Commonwealth of Kentucky, and on motion to dismiss which was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the writ of certiorari herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Aetna Insurance Company,
Petitioner,
vs.
Illinois Central Railroad Company.

On writ of certiorari to the Supreme Court of the State of Illinois.

40

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the writ of certiorari herein be, and the same is hereby, dismissed for the reason that the decision of the State Court rests upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte L. H. Heymann, et al.,
Petitioners.
13, Original.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari herein, be, and the same is hereby, dismissed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Chief Justice Hughes.

Ex Parte Paysoff Tinkoff, Petitioner. — Petition to extend time to file petition for certiorari.

ON CONSIDERATION of the petition to extend the time within which to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In re Disbarment of GEORGE B. HAYES.

O R D E R

It having been reported to the Court that the name of George B. Hayes, of New York, N. Y., a member of the bar of this Court, has been stricken from the roll of attorneys and counselors at law in the State of New York by order of the Appellate Division of the Supreme Court of the State of New York for the First Judicial Department, upon the consent of George B. Hayes, after the institution of a proceeding against him charging him with professional misconduct;

IT IS ORDERED that the said George B. Hayes be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue, returnable within forty (40) days, requiring the said George B. Hayes to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Hughes.

Ex Parte Floyd Scrum,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied, without prejudice to appropriate application to the United States District Court for the Northern District of Georgia.

Per Mr. Chief Justice Hughes.

Ex Parte John J. Coleman,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Robert Gray Taylor, et al.,

Petitioners.

—, Original.

ON CONSIDERATION of the motion for leave to file brief herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

People of the State of New York,
ex rel. George Moody,

Petitioner,

534 vs.

William Hunt, Warden of Attica
Prison, Attica, New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

People of the State of New York,
ex rel. George Moody,

Petitioner,

534 vs.

William Hunt, Warden of Attica
Prison, Attica, New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The New Negro Alliance, et al.,

Petitioners,

511 vs.

Sanitary Grocery Co., Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,
Petitioner,
504 vs.
Pacific Greyhound Lines, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the case is assigned for argument immediately following No. 413.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States,
Petitioner,
485 vs.
Hazen C. Pratt.

ON CONSIDERATION of the motion to remand this cause to the Court of Claims for additional findings of fact,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States,
Petitioner,
485 vs.
Hazen C. Pratt.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

486 vs.

Northern Pacific Railway Company.

ON CONSIDERATION of the motion to remand this cause to the Court of Claims for additional findings of fact,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

486 vs.

Northern Pacific Railway Company.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Board of Directors St. Francis Levee District, et al.,

Petitioners,

543 vs.

J. M. Kurn and John G. Lonsdale, Trustees, St. Louis-San Francisco Railway Company.

ON CONSIDERATION of the motion of counsel for the Respondents to strike from the record in this case certain extraneous and irrelevant matter,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Board of Directors St. Francis Levee District, et al.,
Petitioners,
vs.
J. F. Kurn and John G. Lonsdale, Trustees, St. Louis-San Francisco Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

543

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harald Peters,
Petitioner,
vs.
J. Lauritzen.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

508

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry B. Amey,
Petitioner,
vs.
Colebrook Guaranty Savings Bank, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

512

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Spencer Kellogg & Sons, Inc.,
Petitioner,
515 vs.
Navigazione Generale Italiana.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Westchester Fire Insurance Company of New York,
Petitioner,
517 vs.
John Conlon Coal Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Jensen and Mortimer Bye,
Petitioners,
521 vs.
Anthony J. Lorenz and Mark H. Wodlinger.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Jensen and Mortimer Bye,
Petitioners,
522 vs.
Anthony J. Lorenz and Mark H. Wodlinger.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Corrado Societa Anonima Di Navigazione,
Petitioner,
524 vs.
L. Mundet & Son, Inc.

On petition for writ of certiorari to the United States Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,
Petitioner,
531 vs.
John Joseph Hunt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Francisco De La Torre,

Petitioner,

540 vs.

The National City Bank of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Texas & New Orleans Railroad Company, et al.,

Petitioners,

17 vs.

Emma E. Neill, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Royal Indemnity Company, et al.,

Petitioners,

411 vs.

Frank A. Cardillo, Deputy Commissioner, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David F. Mitchell, et al.,

Petitioners,

495 vs.

The Supreme Court of the
State of Florida, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Ex Parte James H. Avery,

Petitioner.

—, Original.

Motion for leave to file petition for writ of certiorari submitted by Mr. James H. Avery, pro se.

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Proclamation being made the Court is adjourned until Monday, December 6, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Charles H. Carr, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. D. McKenney, It is ordered that Ralph D. Quinter, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Chester Caywood, It is ordered that Daniel Partridge, III, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren Lee Pierson, It is ordered that Barry Bremmen, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis H. Weinstein, It is ordered that Joseph B. Abrams, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Dempsey, It is ordered that John J. Murray, Esquire, of Milton, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that John J. Corcoran, Jr., Esquire, of Jersey City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard E. Shands, It is ordered that Stuart B. Warren, Esquire, of St. Petersburg, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dozier A. DeVane, It is ordered that Jno. Bell, Esquire, of Tampa, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Monk, It is ordered that Vincent C. Giblin, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Frank Palko, Appellant, vs. State of Connecticut. — Appeal from the Supreme Court of Errors of the State of Connecticut

135

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Errors of the State of Connecticut, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Cardozo.

Dissenting: Mr. Justice Butler.

William D. Frad, Petitioner, vs. John J. Kelly, United States Marshal for the Southern District of New York, United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

87

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Roberts.

Worcester County Trust Company, Executor,

Petitioner,

34 . vs.

Ray L. Riley, Comptroller of the State of California, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts.

Per Mr. Justice Stone.

Worcester County Trust Company, Executor,

Petitioner,

34 vs.

Ray L. Riley, Comptroller of the State of California, et al.

ON CONSIDERATION of the motion to substitute Harry B. Riley, present Comptroller of the State of California, as a party respondent in this cause in place of Ray L. Riley, resigned;

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Natural Gas Pipeline Company of America,

Appellant,

230 vs.

James M. Slattery, Andrew Olson, Charles E. Byrne, et al., etc.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Stone.

Nolen R. Breedlove,

Appellant,

9 vs.

T. Earl Suttles, as Tax Collector.

Appeal from the Supreme Court of the State of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Butler.

State of Texas and J. C. Clopton and Bullock Hyder, Receivers, etc., Petitioners,

28 vs.

David Donoghue, Trustee of Trinity Refining Company, Debtor.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, with costs, to the extent that it sustains the ruling of the bankruptcy court in denying the State's application for permission to bring suit in a state court to obtain judgment of confiscation against the oil in question.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Texas for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Butler.

Dissenting opinion by Mr. Justice Cardozo in which Mr. Justice Stone joins.

The People of Puerto Rico, Petitioner,

18 vs.

The Shell Co. (P. R.), Limited, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals,

in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court for the District of San Juan, Puerto Rico, for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Sutherland.

Joseph K. Willing, Receiver of Commercial National Bank, Philadelphia, Pennsylvania,

Petitioner,

36 vs.

Israel Binenstock, Individually and as Surviving Partner of the Partnership Firm of Swinger and Binenstock, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that that part of the decree of the said Circuit Court of Appeals in this cause sustaining the decree of the District Court which requires the petitioner to surrender the Cammarota note for $300, be, and the same is hereby, reversed. With this exception, the decree below is affirmed, costs to be equally divided.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Sutherland.

Phillips-Jones Corporation, Individually, and Annie G. Phillips, et al.,

Petitioners,

45 vs.

Lottie E. Parmley, Executrix of the Estate of C. S. Parmley, Deceased, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Brandeis.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

27 vs.

H. C. Gowran.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Brandeis.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

29 vs.

Annie M. Pfeiffer.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Brandeis.

Dissenting: Mr. Justice Stone and Mr. Justice Cardozo.

Fidelity and Deposit Company of Maryland,

Petitioner,

38 vs.

Louis H. Pink, Superintendent of Insurance of the State of New York, etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration or decision of this cause.

Aluminum Company of America,
Appellant,
281 vs.
The United States of America.

Appeal from the District Court of the United States for the Western District of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice McReynolds.

The Chief Justice and Mr. Justice Stone took no part in the consideration or decision of this cause.

Ernest K. James, Individually and as State Tax Commissioner of the State of West Virginia,
Appellant,
3 vs.
The Dravo Contracting Company.

Appeal from the District Court of the United States for the Southern District of West Virginia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of West Virginia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler join.

Silas Mason Company, Inc., Walsh Construction Company, et al.,

Appellants,

7 vs.

Tax Commission of the State of Washington, et al.

Appeal from the Supreme Court of the State of Washington.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Justice McReynolds, Mr. Justice Sutherland, Mr. Justice Butler and Mr. Justice Roberts.

David H. Ryan,

Appellant,

8 vs.

The State of Washington, et al.

Appeal from the Supreme Court of the State of Washington.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Justice McReynolds, Mr. Justice Sutherland, Mr. Justice Butler, and Mr. Justice Roberts.

Abraham C. Berman,
Petitioner,
26 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals, in this cause be, and the same is hereby, reversed so far as it dismissed the first appeal and affirmed the later judgment imposing the fine; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

The United States of America,
Appellant,
97 vs.
Ben Kapp, Bert Cox, Tom Woods, etc., et al.

Appeal from the District Court of the United States for the Western District of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Oklahoma, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Harry Fleisher,
Petitioner,
202 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals on count one of the indictment be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Sam Fleisher,
Petitioner,
203 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals on count one of the indictment be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Joseph Stein, Petitioner, vs. The United States of America. — On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

204

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Circuit Court of Appeals on count one of the indictment be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Michigan for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Nicholas J. Forte, Petitioner, vs. The United States of America. — On a certificate from the United States Court of Appeals for the District of Columbia.

459

THIS CAUSE came on to be heard on a certificate from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is the opinion of this Court that Question No. 1 must be answered "No" and that Question No. 2 must be answered "No." Question No. 3 is not answered.

WHEREUPON, It is now here ordered by this Court that it be so certified to the said United States Court of Appeals.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Victor J. Evans,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Commercial Telegraphers' Union,

Petitioners,

— vs.

J. Warren Madden, et al.

ON CONSIDERATION of the application for a stay order restraining the National Labor Relations Board from acting or proceeding to render effective or operative the order of the Board granting to the American Radio Telegraphists Association permission to file a petition for election among the employees of the Postal Telegraph-Cable Company pending determination of a petition for writ of certiorari,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Kellogg Company,

Petitioner,

396 vs.

National Biscuit Company.

ON CONSIDERATION of the petition to stay the injunction in this cause,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Herman C. Groman,

Petitioner,

21 vs.

Commissioner of Internal Revenue.

The opinion filed November 8, 1937, is amended by striking from the second paragraph on page 5 thereof the sentence "Glidden transferred nothing to them." and by striking from the next sentence but one the words "and prior preference stock,". The petition for rehearing is denied.

Per Mr. Chief Justice Hughes.

Southwestern Bell Telephone Company,

Appellant,

560 vs.

State of Oklahoma, et al.

The motion to dismiss in this case is assigned for argument on January 3, 1938.

Per Mr. Chief Justice Hughes.

Fred O. Morgan, Doing Business, etc., et al.,

Appellants,

581 vs.

The United States of America, et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

State Farm Mutual Automobile Insurance Company,

Petitioner,

Order allowing certiorari.

519 vs.

James D. Coughran.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Pacific National Company,

Petitioner,

Order allowing certiorari.

528 vs.

Galen H. Welch, Former Collector of Internal Revenue for the Sixth District of California.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

563 vs.

L. Manuel Hendler, as Transferee of Creameries, Inc., etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Santa Cruz Fruit Packing Company,

Petitioner,

536 vs.

National Labor Relations Board.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

597 vs.

Clarence M. Freedman.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is assigned for argument immediately following No. 287.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

City of Ocean City,
Petitioner,
525 vs.
Federal Reserve Bank of Philadelphia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied, without prejudice to the right to apply for a reinstatement of the petition at any time before the end of this term in case a new trial shall not be awarded.

Per Mr. Chief Justice Hughes.

Oberlin M. Carter,
Petitioner,
546 vs.
Harry H. Woodring, Secretary of War of the United States.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

James R. Duncan and the City National Bank of Binghamton, etc.,

Petitioners,

518 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frederick A.Mann,

Petitioner,

523 vs.

Arthur J. Wahley, Individually and as Superintendent of Highways of the Town of Irondequoit, Monroe County, New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Chicago Silk Company,

Petitioner,

526 vs.

Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William L. Bradley and Albert B. Baker, Co-partners, Doing Business Under the Firm Name and Style of Bradley & Baker, et al.,

Petitioners,

529 vs.

S. S. "Niel Maersk", Her Engines, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Vincent G. Rinn, as Administrator De Bonis Non With Will Annexed of the Estate of Maurice B. McCarthy, Deceased,

Petitioner,

532 vs.

New York Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Vincent G. Rinn, as Administrator De Bonis Non With Will Annexed of the Estate of Maurice B. McCarthy, Deceased,

Petitioner,

533 vs.

The Mutual Life Insurance Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Irving Trust Company, as Trustee of the Estate of Radio-Keith-Orpheum Corporation,

Petitioner,

537 vs.

W. Gordon Burnett.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Kay & Ess Company,

Petitioner,

539 vs.

Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Delaware,

Petitioner,

547 vs.

Irving Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Meurer Steel Barrel Company, Inc., Petitioner,

481 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George M. Follett and William Ryder, Petitioners,

535 vs.

The State of California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Fidelity and Casualty Company of New York, Petitioner,

538 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. L. Stumbo, Arthur C. Carter, Otto Fannin, et al.,

Petitioners,

545 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Columbian National Life Insurance Company,

Petitioner,

548 vs.

Jacob L. Wallerstein.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Loretta A. Hines,

Petitioner,

549 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry M. Taylor, as Receiver of the City Trust Company,

Petitioner,

550 vs.

C. H. Bancroft, as Receiver of City National Bank of Miami.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Delaware and Hudson Railroad Corporation and the Central Railroad Company of New Jersey,

Petitioners,

551 vs.

Penn Anthracite Mining Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Delaware and Hudson Railroad Corporation and the Central Railroad Company of New Jersey,

Petitioners,

552 vs.

Christian Feigenspan, a Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James J. Hoey, Collector of Internal Revenue for the Second District of New York,

Petitioner,

556 vs.

Edgar J. Hesslein.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Benjamin F. J. Odell,

Petitioner,

557 vs.

Bausch & Lomb Optical Company and Riggs Optical Company, Consolidated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The First National Bank of Chicago, (Formerly First Union Trust and Savings Bank) as Trustee, etc.,

Petitioner,

559 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Murphy, Frances Bennett and Stanley Soffe,

Petitioners,

562 vs.

Edward I. Bloom, John E. Bloom, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gillette Rubber Company,

Petitioner,

593 vs.

Adolph L. Martin, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Samuel Lesser,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States of America, ex rel.
Nathan Handler,

Petitioner,

416 vs.

Henry C. Hill, Warden, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George W. Green,

Petitioner,

480 vs.

City of Stuart.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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State of Missouri,

Complainant,

—, Original. vs.

State of Iowa.

Motion for leave to file bill of complaint submitted by Mr. Edwin A. Krauthoff in behalf of counsel for the Complainant.

William Leader, President of the American Federation of Full Fashioned Hosiery Workers, etc., et al.,

Petitioners,

414 vs.

Apex Hosiery Company.

Return to rule to show cause presented.

West Virginia Power Company,

Petitioner,

554 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

It appearing to the Court that counsel for the Petitioner have filed a motion to dismiss the petition for writ of certiorari in this cause;

THEREFORE, pursuant to said motion, it is ordered by this Court that the petition for writ of certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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Schuylkill Trust Company,

Appellant,

447 vs.

The Commonwealth of Pennsylvania.

Argued by Mr. John Robert Jones for the Appellant and by Mr. Manuel Kraus for the Appellee.

Alabama Power Company,

Petitioner,

84 vs.

Harold L. Ickes, as Federal Emergency Administrator, etc., et al.; and

Alabama Power Company,

Petitioner,

85 vs.

Harold L. Ickes, as Federal Emergency Administrator, etc., et al.

Argument commenced by Mr. William H. Thompson for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Esquire,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black,
Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Attorney General Homer S. Cummings, It is ordered that Thomas F. McAllister, Esquire, of Grand Rapids, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Joseph Raymond Wine, Esquire, of Helena, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Bruce A. Low, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that John E. Corette, Jr., Esquire, of Butte, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Frank A. Reid, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that A. J. Gustin Priest, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Pringle, Jr., It is ordered that Alice Robinson, of Columbia, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John J. Pringle, Jr., It is ordered that James F. Dreher, Esquire, of Columbia, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Giles J. Patterson, It is ordered that T. J. Blackwell, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Bronz, It is ordered that Jess M. Rosenberg, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Leo D. Robinson, It is ordered that Jos. T. Robinson, Jr., Esquire, of Lonoke, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy St. Lewis, It is ordered that Charles H. Davis, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

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SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1937.

ORDER.

IT IS ORDERED that paragraph 4 of Rule LII of the General Orders in Bankruptcy be, and the same hereby is, amended, effective immediately, to read as follows:

LII.

4. Not less than ten days' notice of hearing upon any application for the sale or lease of property of the debtor pursuant to section 77B c (3½), except sales of perishable property, shall be given by mail to all creditors and stockholders of the debtor, addressed to them at their last known addresses appearing upon the records of the debtor or of the trustee or to their attorneys of record, or, for good cause shown, by advertisement in the manner and for the time directed by the District Court. Paragraphs 1, 2 and 3 of General Order XVIII shall be applicable to such sales.

December 7, 1937.

Alabama Power Company,

Petitioner,

84 vs.

Harold L. Ickes, as Federal Emergency Administrator, etc., et al., and

Alabama Power Company,

Petitioner,

85 vs.

Harold L. Ickes, as Federal Emergency Administrator, etc., et al.

Argument continued by Mr. William H. Thompson for the Petitioner; by Mr. Jerome N. Frank and Mr. Solicitor General Reed for the Respondents; and concluded by Mr. William H. Thompson for the Petitioner.

Duke Power Company and Southern Public Utilities Company,

Petitioners,

397 vs.

Greenwood County and E. L. Brooks, et al.

Argument commenced by Mr. W. S. O'B. Robinson, Jr., for the Petitioners, and continued by Mr. H. W. Nicholson for the Respondent, Greenwood County.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black,
Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. F. Ryan Duffy, It is ordered that Eustace F. Brennan, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl I. Wheat, It is ordered that Ray C. Wakefield, Esquire, of Fresno, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter M. Kelly, It is ordered that Robert B. Anderson, Esquire, of Vernon, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Duke Power Company, et al.,

Petitioners,

397 vs.

Greenwood County and E. L. Brooks, et al.

Argument continued by Mr. D. W. Robinson, Jr., for the Respondent, Greenwood County; by Mr. Jerome N. Frank for Respondents, Ickes, et al., and concluded by Mr. W. S. O'B. Robinson, Jr., for the Petitioners.

Ocean Beach Heights, Inc., Normandy Beach Development Company, et al.,

Petitioners,

10 vs.

The Brown-Crummer Investment Company, et al.

Argument commenced by Mr. Henry K. Gibson for the Petitioners; continued by Mr. Giles J. Patterson and Mr. T. J. Blackwell for the Respondents; and concluded by Mr. J. Julien Southerland for the Petitioners.

Standard Accident Insurance Company,

Petitioner,

41 vs.

The United States of America, for the use and benefit of L. R. Powell, et al., etc.

Argued by Mr. Stuart B. Warren for the Petitioner, and by Mr. John Bell for the Respondents.

The United States,

Petitioner,

48 vs.

Mabel S. Andrews, Executrix of the Estate of Matthew Andrews, Deceased.

Argument commenced by Mr. Norman D. Keller for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black,

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Patrick A. McCarran, It is ordered that Frank B. Warren, Esquire, of Carson City, State of Nevada, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Rollo E. Kidwell, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Roger Ensler, It is ordered that Martin Detels, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Forbes, It is ordered that Henry L. Wortche, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lemuel L. Bolles, It is ordered that Abraham J. Rosenblum, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George M. Wolcott, It is ordered that Arthur W. Sprague, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard A. Mahar, It is ordered that William F. Davis, Jr., Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clement L. Bouve, It is ordered that Louis Charles Smith, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert [illegible]. Miller, It is ordered that Lafon Allen, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States,

Petitioner,

48 vs.

Mabel S. Andrews, Executrix of the Estate of Matthew Andrews, Deceased.

Argument continued by Mr. Norman D. Keller for the Petitioner and concluded by Mr. Fred H. Seibert for the Respondent.

The United States of America,

Petitioner,

262 vs.

Barbutt Oil Company.

Argued by Mr. Norman D. Keller for the Petitioner and by Mr. L. A. Luce for the Respondent.

Mary Duke Biddle,

Petitioner,

55 vs.

Commissioner of Internal Revenue; and

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

505 vs.

George W. Elkins.

Argument commenced by Mr. Frank J. Wideman for the Petitioner in No. 55, and continued by Mr. J. Louis Monarch for the Commissioner of Internal Revenue.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Benjamin N. Cardozo,
Hugo L. Black,
Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Fannie Gray Clegg, of Trinity, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. C. Stanley, It is ordered that Rainey T. Wells, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William L. Hill, It is ordered that Walter G. Ramseur, Esquire, of St. Petersburg, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Albert Woll, It is ordered that John J. Moreschi, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Mary Duke Biddle,

Petitioner,

55 vs.

Commissioner of Internal Revenue; and

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

505 vs.

George W. Elkins.

Argument continued by Mr. J. Louis Monarch for the Commissioner of Internal Revenue and concluded by Mr. William R. Spofford for the Respondent in No. 505.

Lanasa Fruit Steamship and Importing Company, Inc.,

Petitioner,

57 vs.

Universal Insurance Company.

Argument commenced by Mr. George Forbes for the Petitioner; continued by Mr. D. Roger Englar for the Respondent; and concluded by Mr. Henry L. Wortche for the Petitioner.

Gertrude Kay, alias Gertrude Klein,

Petitioner,

61 vs.

The United States of America.

Argument commenced by Mr. Frank H. Serri for the Petitioner; and continued by Mr. William S. Culbertson for the Petitioner; and by Mr. Assistant Solicitor General Bell for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that George F. Kirkpatrick, Esquire, of Jasper, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel E. Darby, Jr., It is ordered that Ephraim Berliner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George J. Feldman, It is ordered that Dorothy Winslow Crannell, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry J. Richardson, It is ordered that Howell H. Hampton, Esquire, of Ocala, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis H. Shapiro, It is ordered that Albert W. Jacobson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert Holmes Baldridge, It is ordered that Randell S. Cobb, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that Ervin S. Fulop, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Merrell E. Clark, It is ordered that George T. Bean, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. Wolf, It is ordered that Herman J. Seman, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. Wolf, It is ordered that Jerome L. Markovitz, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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W. G. McNair, as Receiver of the First National Bank of Perry, etc.,

Petitioner,

vs.

W. V. Knott, as Treasurer of the State of Florida, W. V. Knott, Treasurer of the State of Florida, as Ex-Officio County Treasurer of Taylor County, Florida, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

32

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Florida.

Per Mr. Justice Black.

Concurring opinion by Mr. Justice McReynolds.

James D. Smyth, Executor of the Estate of James F. Ransom, Deceased,

Petitioner,

vs.

The United States.

On writ of certiorari to the Court of Claims.

42

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Cardozo.

Opinion by Mr. Justice Stone concurring in the result.

Concurring opinion by Mr. Justice Black.

Dissenting: Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler.

The Dixie Terminal Company, Petitioner, vs. The United States. — On writ of certiorari to the Court of Claims.

43

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Cardozo.

Opinion by Mr. Justice Stone concurring in the result.

Concurring opinion by Mr. Justice Black.

Dissenting: Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler.

The United States of America, Petitioner, vs. Arthur W. Machen. — On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

198

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Cardozo.

Opinion by Mr. Justice Stone concurring in the result.

Concurring opinion by Mr. Justice Black.

Dissenting opinion by Mr. Justice McReynolds in which Mr. Justice Sutherland, and Mr. Justice Butler join.

The Chief Justice announced the following orders of the Court:

Henry Hornblower, et al., Appellants, vs. Harvey D. McGray. — Appeal from the Superior Court of the Commonwealth of Massachusetts.

544

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Massachusetts, and on motion to dismiss or affirm, which was duly submitted;

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

W. J. Barnett, Appellant, vs. Stanley Rogers, Sheriff of Oklahoma County, Oklahoma. — Appeal from the Supreme Court of the State of Oklahoma.

569

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment sought here to be reviewed is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

William A. Ehlers,
Appellant,
590 vs.
State of Nebraska.

Appeal from the Supreme Court of the State of Nebraska.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Nebraska, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

William A. Ehlers,
Appellant,
590 vs.
State of Nebraska.

Appeal from the Supreme Court of the State of Nebraska.

TREATING the appeal papers herein from the Supreme Court of the State of Nebraska as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dorothy Leoles, Through Her Father, George Leoles, as Next Friend,
Appellant,
610 vs.
J. H. Landers, Louis Gefeen, E. S. Cook, et al., etc.

Appeal from the Supreme Court of the State of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Charles Dutton, Appellant, vs. People of the State of California. — Appeal from the Supreme Court of the State of California.

620

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Charles Dutton, Appellant, vs. People of the State of California.

620

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Leader, President of the
American Federation of Full Fashioned Hosiery Workers, etc., et al.,

Petitioners,

414 vs.

Apex Hosiery Company.

UPON CONSIDERATION of the return of the Petitioners to the rule to show cause, the petition for writ of certiorari is granted, the decree of the Circuit Court of Appeals reversed, and the cause is remanded to the District Court with directions to vacate its decree and to dismiss the bill of complaint upon the ground that the cause is moot.

Per Mr. Chief Justice Hughes.

William Leader, President of the
American Federation of Full Fashioned Hosiery Workers, etc., et al.,

Petitioners,

414 vs.

Apex Hosiery Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

William Leader, President of the American Federation of Full Fashioned Hosiery Workers, etc., et al.,

Petitioners,

414 vs.

Apex Hosiery Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed without costs to either party; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania with directions to vacate its decree and to dismiss the bill of complaint upon the ground that the cause is moot.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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William Caine Davidson,

Complainant,

—, Original. vs.

The State of California.

ON CONSIDERATION of the motion for leave to file the bill of complaint in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Caine Davidson,

Complainant,

—, Original. vs.

The State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Missouri,

Compliment,

16, Original. vs.

State of Iowa.

ON CONSIDERATION of the motion for leave to file the bill of complaint in this cause;

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and process is ordered to issue returnable on Monday, February 14, 1938.

Per Mr. Chief Justice Hughes.

Ex Parte Lloyd Rubin,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte James H. Avery,

Petitioner.

15, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ex Parte James H. Avery,

Petitioner.

15, Original.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte James H. Avery,

Petitioner.

15, Original.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elbert B. Lindsey and
E. H. Lindsey,

Petitioners,

660 O.T. 1936 vs.

State of Washington.

ON CONSIDERATION of the motion to recall the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied, without prejudice to appropriate application to the proper state court.

Per Mr. Chief Justice Hughes.

The United States of America and
Interstate Commerce Commission,

Appellants,

63 vs.

W. V. Griffin and H. W. Purvis,
Receivers, etc.

The Court is of the opinion that it has jurisdiction of the appeal. Reargument is ordered, and the cause is assigned for argument upon the merits on Monday, January 3, 1938.

Per Mr. Chief Justice Hughes.

Sidney Charles Smith,

Petitioner,

619 vs.

Fred G. Zerbst, Warden, United States
Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sidney Charles Smith,

Petitioner,

619 vs.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edith Huggard Sharp, Charles C. Morris, Jr., and Fidelity-Philadelphia Trust Company, Executors, etc.,

Petitioners,

558 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guaranty Trust Company of New York,

Petitioner,

566 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

B. M. Hopper and Coalinga-Kettleman Oil Company,

Petitioners,

553 vs.

Amos W. Elliott, Marland Oil Company, Continental Oil Company, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John J. Flanigan,

Petitioner,

561 vs.

Ditto, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Albert S. Readinger, Administrator of the Estate of John L. Huye, Deceased,

Petitioner,

570 vs.

Horton C. Rorick, Albert V. Foster, James M. Easton, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lawrence W. O'Connor, et al., Petitioners,
580 vs.
Charles S. Ludlam, Homer A. Dunn, Arthur S. Vaughn, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank E. Whitcombe, Petitioner,
258 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

P. Furnia, Petitioner,
259 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles Giordano,
Petitioner,
260 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Barney Marlo,
Petitioner,
261 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,
Petitioner,
11 vs.
Angie Crook Williams.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Paper Goods Company,

Petitioner,

370 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Louisiana & Arkansas Railway Company,

Petitioner,

478 vs.

Mrs. Esther Francis.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Morley Construction Company, et al.,

Petitioners,

501 vs.

Maryland Casualty Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gabriele Giordano,

Petitioner,

520 vs.

The City of Asbury Park, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

The Court will take a recess from Monday, December 20, until Monday, January 3, 1938.

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Harry H. Woodring, Secretary of War of the United States of America, et al.,

Petitioners,

39 vs.

Clarksburg-Columbus Short Route Bridge Company.

Motion to reverse and to remand with directions to dismiss the bill of complaint upon the ground that the cause is moot submitted by Mr. Solicitor General Reed for the Petitioners.

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Gertrude Kay, alias Gertrude Klein,

Petitioner,

61 vs.

The United States of America.

Argument continued by Mr. Assistant Solicitor General Bell for the Respondent and concluded by Mr. William S. Culbertson for the Petitioner.

Crown Cork & Seal Company, Inc.,

Petitioner,

72 vs.

Ferdinand Gutmann Co., Inc.

Argued by Mr. John J. Darby for the Petitioner and by Mr. William E. Warland for the Respondent.

General Talking Pictures Corporation,

Petitioner,

357 vs.

Western Electric Company, Inc., et al.

Argument commenced by Mr. Samuel E. Darby, Jr., for the Petitioner and continued by Mr. Merrell E. Clark for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Roy C. Coffee, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thayer Burgess, It is ordered that Gay H. Brown, Esquire, of Utica, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Urban C. Stover, It is ordered that Edward H. Knight, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Urban C. Stover, It is ordered that James E. Deery, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Beatrice A. Clephane, It is ordered that Mayte Elizabeth Boylan, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Walter Smith, It is ordered that Daniel F. Boone, Esquire, of Winston Salem, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lee I. Park, It is ordered that Peter Vanalyke Voorhees, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Urban C. Stover, It is ordered that Floyd J. Mattice, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin J. Roess, Jr., It is ordered that Edgar G. Hamilton, Esquire, of West Palm Beach, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert Williams, It is ordered that Nat Tipton, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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James L. Taulbee, as Administrator, etc.,

Petitioner,

615 vs.

Great Northern Railway Company.

Motion for an extension of time within which to file brief opposing petition for writ of certiorari submitted by Mr. R. E. L. Smith in behalf of counsel for the Respondent.

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General Talking Pictures Corporation,

Petitioner,

357 vs.

Western Electric Company, Inc., et al.

Argument continued by Mr. Merrell E. Clark for the Respondents, and concluded by Mr. Ephraim Berliner for the Petitioner.

Leitch Manufacturing Company, Inc.,

Petitioner,

208 vs.

The Barber Company, Inc.

Argued by Mr. Samuel Ostrolenk for petitioner, and by Mr. George J. Harding for the Respondent.

United Gas Public Service Company,

Appellant,

13 vs.

State of Texas, et al.

Reargument commenced by Mr. John P. Bullington for the Appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Hugo L. Black,
Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that Ester Maree Calkin, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Howard Flint, It is ordered that William E. Ringel, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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United Gas Public Service Company,
Appellant,
13 vs.
State of Texas, et al.

Reargument continued by Mr. Alfred M. Scott and Mr. Edward H. Lange for the Appellees, and concluded by Mr. F. G. Coates for the Appellant.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

33 vs.

Raymond I. Bashford.

Reargued by Mr. J. Louis Monarch for the Petitioner and by Mr. Walter G. Moyle for the Respondent.

Perry McCart, Samuel L. Trabue,
et al.,

Petitioners,

90 vs.

Indianapolis Water Company.

Argument commenced by Mr. Urban C. Stover for the Petitioners.

The Court declined to hear further argument.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler, Associate Justices.
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George Wharton Pepper, It is ordered that Robert Dechert, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lemuel B. Schofield, It is ordered that Gilbert J. Kraus, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lemuel B. Schofield, It is ordered that W. Bradley Ward, Esquire, of Paoli, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Herman E. Kleinecke, Jr., Esquire, of Galveston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter C. Chandler, It is ordered that James Connelly Edwards, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank F. Mesbit, It is ordered that Foster H. Fanseen, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The State of Texas,

Complainant,

11, Original. vs.

The State of New Mexico, et al.

Motion of the Complainant that further hearings before the Special Master be deferred until after April 1, 1938, presented by Mr. Charles Warren, Special Master.

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Minnesota Tea Company,

Petitioner,

106 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Argued by Mr. James G. Nye for the Petitioner and by Mr. J. Louis Monarch for the Respondent.

Andrew J. Christopher, Third National Bank & Trust Co., as Executor, etc., et al.,

Petitioners,

108 vs.

W. E. Brusselback and W. L. Bell, et al., etc.

Argued by Mr. Wellmore B. Turner for the Petitioners and by Mr. J. Arthur Miller for the Respondents.

Harvey S. Adams, Receiver, etc.,

Petitioner,

123 vs.

Geneva M. Nagle, Ralph S. Hill, et al.;

and

Harvey S. Adams, Receiver, etc.,

Petitioner,

124 vs.

J. Edwin Tobias, Ralph S. Hill, et al.

Argument commenced by Mr. Charles E. Wainwright for the Petitioner and continued by Mr. Lemuel B. Schofield for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler, Associate Justices.
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that Jacob Weiss, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry F. Ashurst, It is ordered that George D. Locke, Esquire, of Glendale, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James M. Graves, It is ordered that Francis P. Keiper, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Elizabeth M. Cox, It is ordered that Elizabeth F. Reed, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Henry Butler, It is ordered that Lawrence Hunt, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Price, It is ordered that Rees B. Gillespie, Esquire, of Gallatin, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard M. Duncan, It is ordered that Lambert S. O'Malley, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Calmar Steamship Corporation,

Petitioner,

594 vs.

Charles W. Taylor.

Motion for leave to file brief as amicus curiae submitted by Mr. John C. Crawley.

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Harvey S. Adams, Receiver, etc.,

Petitioner,

123 vs.

Geneva M. Nagle, Ralph S. Hill, et al., and

Harvey S. Adams, Receiver, etc.,

Petitioner,

124 vs.

J. Edwin Tobias, Ralph S. Hill, et al.

Argument continued by Mr. Lemuel B. Schofield for the Respondents and concluded by Mr. George P. Barse for the Petitioner.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

128 vs.

John H. Therrell;

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

129 vs.

William H. Tunnicliffe;

Edward McLoughlin,

Petitioner,

287 vs.

Commissioner of Internal Revenue; and

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

597 vs.

Clarence M. Freedman.

Argued by Mr. Solicitor General Reed for the Commissioner of Internal Revenue; by Mr. Harry M. Voorhis for the Respondents in Nos. 128 and 129; by Mr. Bernhard Knollenberg for the Petitioner in No. 287; and by Mr. John W. Townsend for the Respondent in No. 597.

The United States of America,

Petitioner,

138 vs.

Pete McGowan, Claimant of One
Chevrolet Coupe, etc., et al.

Argued by Mr. William H. Ramsey for the Petitioner. No appearance for the Respondent.

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Proclamation being made the Court is adjourned until Monday, December 20 next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Associate Justices.

Frank K. Green, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Lewis Deschler, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Barse, It is ordered that Herman S. Shapiro, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth T. Cole, It is ordered that Mortimer M. Kassell, Esquire, of Albany, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gregory Hankin, It is ordered that Isador Becker, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Joseph Delaney, It is ordered that James J. McGinnis, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Frank Carmine Nardone, Austin L. Callahan, Hugh Brown and Robert Gottfried,

Petitioners,

vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

190

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Sutherland in which Mr. Justice McReynolds joins.

Marian S. Honeyman,

Appellant,

vs.

Herbert G. Hanan, as Executor of the Last Will and Testament of Herbert M. Hanan, Deceased.

Appeal from the Supreme Court of the State of New York.

583

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and on motion to dismiss or

affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

West Brothers Brick Company,
Appellant,
vs.
City of Alexandria.

Appeal from the Supreme Court of Appeals of the Commonwealth of Virginia.

616

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Appeals of the Commonwealth of Virginia, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Harry H. Woodring, Secretary of War of the United States of America, et al.,
Petitioners,
vs.
Clarksburg-Columbus Short Route Bridge Company.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

39

THIS CAUSE having been called to the attention of the Court by Mr. Solicitor General Reed, and he having moved the Court to reverse the judgment of the said Court of Appeals and remand the cause to the District Court with instructions to dismiss the bill of complaint upon the ground that the cause is moot.

THEREFORE, pursuant to said motion, It is ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby remanded to the District Court of the United States for the District of Columbia with instructions to dismiss the bill of complaint upon the ground that the cause is moot.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Basil H. Pollitt,

Petitioner.

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ON CONSIDERATION of the applications filed herein,

IT IS ORDERED by this Court that the said applications be, and the same are hereby, denied.

Per Mr. Chief Justice Hughes.

State of Texas,

Complainant,

11, Original. vs.

State of New Mexico, et al.

UPON CONSIDERATION of the motion of the Complainant State, presented by Charles Warren, Special Master herein, to defer hearings before the Special Master, and of the communication of the Special Assistant Attorney General of the State of New Mexico stating that the State of New Mexico and the attorneys for the Middle Rio Grande Conservancy District agree to a continuance, It is ordered that further hearings before the Special Master be deferred until April 1, 1938, or such date thereafter as the Special Master shall determine.

Per Mr. Chief Justice Hughes.

Southwestern Bell Telephone Company,

Appellant,

560 vs.

State of Oklahoma, et al.

ON CONSIDERATION of the motion of the Appellees to reassign the argument of the motion to dismiss in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the motion to dismiss is reassigned for argument on February 7, 1938.

Per Mr. Chief Justice Hughes.

James L. Taulbee, as Administrator of the Estate of Russell L. Taulbee, Deceased,

Petitioner,

615 vs.

Great Northern Railway Company.

ON CONSIDERATION of the motion of the Respondent to extend the time for filing brief in opposition to the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to January 22, 1938.

Per Mr. Chief Justice Hughes.

Jack Shearer,

Petitioner,

623 vs.

F. G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jack Shearer,

Petitioner,

623 vs.

F. G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anthony DiStasio,

Petitioner,

628 vs.

Commonwealth of Massachusetts.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anthony DiStasio,

Petitioner,

628 vs.

Commonwealth of Massachusetts.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Massachusetts, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Jackson,

Petitioner,

629 vs.

Commonwealth of Virginia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Jackson,

Petitioner,

629 vs.

Commonwealth of Virginia.

On petition for writ of certiorari to the Circuit Court for Elizabeth City County, Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Circuit Court for Elizabeth City County, Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. M. Hebert, et al.,

Petitioners,

422 vs.

Rio Bravo Oil Company, et al.

On petition for writ of certiorari to the Supreme Court of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. B. Clevinger,

Petitioner,

542 vs.

St. Louis-San Francisco Railway Company.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alfred M. LaForest,

Petitioner,

564 vs.

Board of Commissioners of the District of Columbia.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John R. Foote, Edward B. Woodruff, David Bandler, Grace M. Alling, et al.,

Petitioners,

567 vs.

The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

L. W. Sheckles,
Petitioner,
571 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Woodring-Meyer Lumber Company,
Petitioner,
572 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. A. Carnes,
Petitioner,
573 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. S. Paulus,
Petitioner,
574 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Peck Welhausen,
Petitioner,
575 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

S. A. Carnes,
Petitioner,
576 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Celia Fetterly,

Petitioner,

577 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

C. C. Welhausen,

Petitioner,

578 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

M. A. Meyer, Executor, Estate of Lena B. Levy, Deceased,

Petitioner,

579 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas A. Banks, Trustee in Bankruptcy of Thomas Lee Bland, Bankrupt,

Petitioner,

582 vs.

Southern Dairies, Inc.

On petition for writ of certiorari to the United States Circuit Court for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Roland H. Weir,

Petitioner,

584 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Roland H. Weir,

Petitioner,

585 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Roland H. Weir,
Petitioner,
586 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby,denied.

Per Mr. Chief Justice Hughes.

Raymond E. Korte,
Petitioner,
587 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Raymond E. Korte,
Petitioner,
588 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby,denied.

Per Mr. Chief Justice Hughes.

Raymond E. Korte,
Petitioner,
589 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

General Baking Company,
Petitioner,
591 vs.
Luther A. Harr (Successor to William D. Gordon), Secretary of Banking for the Commonwealth of Pennsylvania, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Diamond P Transportation Company,
Petitioner,
592 vs.
Eastern State Farmer's Exchange.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Charles Lefkowitz,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Federal Trade Commission,

Petitioner,

14 vs.

Standard Education Society.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Texas,

Petitioner,

496 vs.

Anderson, Clayton & Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Jensen and Mortimer Bye,

Petitioners,

521 vs.

Anthony J. Lorenz and Mark H. Wodlinger; and

John Jensen and Mortimer Bye,

Petitioners,

522 vs.

Anthony J. Lorenz and Mark H. Wodlinger.

A petition for rehearing have been filed in these cases,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

IT IS ORDERED That Rules of Procedure for the District Courts of the United States be adopted pursuant to Section 2 of the Act of June 19, 1934, Chapter 651 (48 Stat. 1064), and the Chief Justice is authorized and directed to transmit the Rules as adopted to the Attorney General and to request him, as provided in that section, to report these Rules to the Congress at the beginning of the regular session in January next.

Mr. Justice Brandeis states that he does not approve of the adoption of the Rules.

Per Mr. Chief Justice Hughes.

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Ex Parte Florence F. Greaves Stone, et al.,

Petitioners.

—, Original.

Motion for leave to file petition for writ of mandamus submitted by Mr. James J. McGinnis for the Petitioners.

* Printed copy of Rules of Civil Procedure, in the form Reported to the Congress in January 1938, is to be found (and kept) in pocket at the end of this Minute Book.

Motor Wheel Corporation, Petitioner, vs. Rubsam Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

618

IT APPEARING to the Court that counsel for the Petitioner have filed a motion to dismiss the petition for writ of certiorari in this cause,

THEREFORE, pursuant to said motion, It is ordered by this Court that the said petition be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, January 3, 1938, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Claude M. Nouchins, It is ordered that Marcus Muskat, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Roswell B. O'Harra, Esquire, of Macomb, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Harry Thom, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank K. Nebeker, It is ordered that Frederic D. Metzger, Esquire, of Tacoma, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. King Funkhouser, It is ordered that Leo Aubrey Newman, Esquire, of Roanoke, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Rigby, It is ordered that J. B. Garcia Mendez, Esquire, of Aguadilla, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Spalding Flannery, It is ordered that James E. Carroll, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Rigby, It is ordered that E. Martinez Rivera, Esquire, of San Juan, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. King Funkhouser, It is ordered that Frank G. Coleman, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel A. King, It is ordered that E. Herman Fuiman, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,
Petitioner,
138 vs.
Pete McGowan, Claimant of One Chevrolet Coupe, etc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Nevada for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

The United States of America,
Petitioner,
146 vs.
Ralph Raynor.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, and the judgment of conviction affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Sutherland in which Mr. Justice McReynolds and Mr. Justice Butler join.

The United States of America, Petitioner, vs. Chett Fowler. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

147

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, and the judgment of conviction affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Sutherland in which Mr. Justice McReynolds and Mr. Justice Butler join.

Schuylkill Trust Company, Appellant, vs. The Commonwealth of Pennsylvania. — Appeal from the Supreme Court of the State of Pennsylvania.

447

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Roberts.

The United States, Petitioner, vs. Mabel S. Andrews, Executrix of the Estate of Matthew Andrews, Deceased. — On writ of certiorari to the Court of Claims.

48

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

The United States of America, Petitioner, vs. Garbutt Oil Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

262

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Textile Machine Works,

Petitioner,

62 vs.

Louis Hirsch Textile Machines, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Stone.

Andrew J. Christopher, Third National Bank & Trust Co., as Executor of the Estate of George W. Weimer, Deceased, et al.,

Petitioners,

108 vs.

W. E. Brusselback and W. I. Bell, et al., etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Brandeis and Mr. Justice Cardozo took no part in the consideration or decision of this case.

Alabama Power Company, Petitioner, vs. Harold L. Ickes, as Federal Emergency Administrator of Public Works, et al.

84

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice Sutherland.

Mr. Justice Black concurs in the result.

Alabama Power Company, Petitioner, vs. Harold L. Ickes, as Federal Emergency Administrator of Public Works, et al.

85

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice Sutherland.

Mr. Justice Black concurs in the result.

Duke Power Company and Southern Public Utilities Company,

Petitioners,

397 vs.

Greenwood County and E. L. Brooks, S. A. Agnew and E. I. Davis, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of South Carolina.

Per Mr. Justice Sutherland.

Mr. Justice Black concurs in the result.

The United States of America on Relation of Chester A. Willoughby, as Trustee in Bankruptcy of National Mechanical Service Company, et al.,

Petitioners,

30 vs.

Sam Howard and Continental Casualty Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Brandeis.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

33 vs.

Raymond I. Bashford.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Brandeis.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting: Mr. Justice McReynolds, Mr. Justice Sutherland, and Mr. Justice Butler.

Leitch Manufacturing Company, Inc.,

Petitioner,

208 vs.

The Barber Company, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Brandeis.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Standard Accident Insurance Company, Petitioner, vs. The United States of America for the Use and Benefit of L. R. Powell, Jr., and Henry W. Anderson, as Receivers, etc.

41

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida.

Per Mr. Justice McReynolds.

Railroad Commission of the State of California, Leon O. Whitsell, Wallace L. Ware, et al., Appellants, vs. Pacific Gas and Electric Company.

804 O.T. 1936

Appeal from the District Court of the United States for the Northern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of California, and was reargued by counsel upon the granting of a petition for rehearing.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Sutherland took no part in the consideration and decision of this case.

Mr. Justice Black concurs in the reversal of the decree.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds joins.

Perry McCart, Samuel L. Trabue and Mole Cook, Members of and Constituting the Public Service Commission, et al.,

Petitioners,

90 vs.

Indianapolis Water Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court and, as thus modified, affirmed with costs.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Indiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

Dissenting opinion by Mr. Justice Black.

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The Chief Justice announced the following order of the Court:

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Alvin F. Speece,

Appellant,

622 vs.

People of the State of Illinois.

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court

that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Alvin F. Speece, Appellant, vs. People of the State of Illinois. Appeal from the Supreme Court of the State of Illinois.

622

TREATING the appeal papers herein from the Supreme Court of the State of Illinois as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Florence F. Greaves Stone, et al., Petitioners.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Louis Berman,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In the Matter of Paysoff Tinkoff,

Petitioner.

—

ON CONSIDERATION of the motion to reconsider and vacate the order denying an extension of time to file petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Calmar Steamship Corporation,

Petitioner,

594 vs.

Charles W. Taylor.

ON CONSIDERATION of the motion for leave to file brief of John C. Crawley, as amicus curiae, in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, et al.,

Appellants,

514 vs.

Pan American Petroleum Corporation, et al.; and

The United States of America, et al.,

Appellants,

530 vs.

Humble Oil & Refining Company, et al.

ON CONSIDERATION of the motion of the appellants to reverse the decrees in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Scott Hicks,

Petitioner,

643 vs.

F. G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Scott Hicks,

Petitioner,

643 vs.

F. G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

199 vs.

Ben B. Jackson, by His Guardian, etc.

ON CONSIDERATION of the motion of the Respondent for leave to proceed in forma pauperis in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

640 vs.

Carolene Products Company.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Calmar Steamship Corporation,

Petitioner,

594 vs.

Charles W. Taylor.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

John G. Ruhlin, Jennie B. Ruhlin, John B. Ruhlin, et al.,

Petitioners,

596 vs.

New York Life Insurance Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Electric Bond and Share Company, American Gas and Electric Company, et al.,

Petitioners,

636 vs.

Securities and Exchange Commission, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

600 vs.

Mountain Producers Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted, and the case is assigned for hearing immediately following No. 446.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Lincoln Engineering Company of Illinois,

Petitioner,

608 vs.

Stewart-Warner Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration or decision of this application.

W. E. Hedger Transportation Corporation,
Petitioner,
595 vs.
William H. Lloyd.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles W. Hofferd, as Administrator of the Estate of Kathryn L. Hofferd, Deceased,
Petitioner,
555 vs.
James F. Coyle, as Executor of the Last Will and Testament of Kathryn L. Hofferd, Deceased, et al.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Angus Spear and Thomas D. Humphrey,
Petitioners,
598 vs.
Ernest O. Thompson, C. V. Terrell and Lon A. Smith, Individually and as Members of the Railroad Commission of the State of Texas, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Agricultural Bond and Credit Corporation, Petitioner,

601 vs.

L. H. Norton, Individually and as Secretary of Dealers Protective Association, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Stanolind Oil and Gas Company, Simms Oil Company, Continental Oil Company, et al., Petitioners,

602 vs.

Walter Logan, Trustee in Bankruptcy of Virginia Oil Refining Company, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry T. Rollins, Petitioner,

603 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Glendora M. Rollins,
Petitioner,
604 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Margaret C. Rollins,
Petitioner,
605 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry T. Rollins, et al., Executors, etc.,
Petitioners,
606 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ralph E. Rollins,
Petitioner,
607 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

International Salt Company, Inc.,
Petitioner,
612 vs.
Diamond P Transportation Company, Inc., The Tug "Lizzie D. Shaw", et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Antonio Gullo,
Petitioner,
617 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward C. Ostrow, Herbert Glassman, General Finance, Inc., Garnishees,

Petitioners,

624 vs.

Olive McNeal.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward C. Ostrow, Herbert Glassman, General Finance, Inc., Garnishees,

Petitioners,

625 vs.

Thomas R. Fisher.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Joseph E. Jones,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Texas and J. C. Clopton, et al., etc.,

Petitioners,

28 vs.

David Donoghue, Trustee, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fidelity & Deposit Company of Maryland,

Petitioner,

38 vs.

Louis H. Pink, Superintendent of Insurance, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry Hornblower, et al.,

Appellants,

544 vs.

Harvey D. McGray.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Benjamin F. J. Odell,

Petitioner,

557 vs.

Bausch & Lomb Optical Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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State of Georgia,

Complainant,

1, Original. vs.

The Tennessee Copper Company, e t al.

Joint motion to dismiss Bill of Complaint presented.

The State of Wisconsin, et al.,

Complainants,

3, Original. vs.

The State of Illinois, et al.;

The State of Michigan, et al.,

Complainants,

4, Original. vs.

The State of Illinois, et al.; and

The State of New York, et al.,

Complainants,

5, Original. vs.

The State of Illinois, et al.

Semi-annual report of defendant, Sanitary District of Chicago, dated January 1, 1938, presented.

Federal Trade Commission,

Petitioner,

14 vs.

Standard Education Society, et al.

Motion to amend opinion and to recall and amend mandate submitted by Mr. Henry Ward Beer for the Respondents.

The United States of America, et al.,

Appellants,

63 vs.

W. V. Griffin and H. W. Purvis, Receivers, etc.

Reargued by Mr. Edward M. Reidy for the Appellants and by Mr. Moultrie Hitt for the Appellees.

The Creek Nation,

Petitioner,

140 vs.

The United States.

Argued by Mr. W. W. Spalding for the Petitioner and by Mr. N. A. Townsend for the Respondent.

The United States of America,

Petitioner,

143 vs.

Helen J. Stevens, Administratrix, et al.

Argument commenced by Mr. Paul Campbell for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, JANUARY 4, 1938.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. Frank Staley, It is ordered that Chas. W. Hagen, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. H. Rumble, It is ordered that Fred R. Skinner, Esquire, of Newport News, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas W. Davis, It is ordered that Clarence G. Myers, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas W. Davis, It is ordered that Victor Edward Phelps, Esquire, of Wilmington, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Walsh, It is ordered that Donald F. Elliott, Esquire, of Kokomo, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Ockford, It is ordered that Aaron Gordon, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Edward A. Markley, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Thaddeus Clark, It is ordered that William E. Corkum, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sydney Ehrlich, It is ordered that Benedict Deinard, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edmund M. Toland, It is ordered that Thomas E. Linehan, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Hughes, Jr., It is ordered that Walter N. Davis, Esquire, of St. Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mark D. Eagleton, It is ordered that Roberts P. Elam, Esquire, of St. Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Electric Bond and Share Company,
American Gas and Electric Company,
et al.,

Petitioners,

636 vs.

Securities and Exchange Commission,
et al.

Motion to advance submitted by Mr. Paul Campbell for the Respondents.

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The United States of America,

Petitioner,

143 vs.

Helen J. Stevens, Administratrix,
et al.

Argument concluded by Mr. James E. Carroll for the Respondents.

South Carolina State Highway Department, et al.,

Appellants,

161 vs.

Barnwell Brothers, Inc., et al.

Three hours allowed for oral argument.

Argument commenced by Mr. Steve C. Griffith for the Appellants; continued by Mr. S. King Funkhouser and Mr. Frank Coleman for the Appellees; and concluded by Mr. Thomas W. Davis for the Appellants.

Thomas J. Brady,

Petitioner,

163 vs.

Terminal Railroad Association of St. Louis.

Argument commenced by Mr. Mark D. Eagleton for the Petitioner and continued by Mr. Walter N. Davis for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that James E. Murray, Esquire, of Butte, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William S. Hodges, It is ordered that Lincoln D. Brayton, Esquire, of Fall River, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester J. McGuire, It is ordered that Frank Feigenbaum, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Ward Beer, It is ordered that Samuel B. Burk, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Ward Beer, It is ordered that George N. Edson, Esquire, of Jackson Heights, Long Island, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh H. Obear, It is ordered that Bartholomew A. Brickley, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh H. Obear, It is ordered that Oliver R. Waite, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Spalding Flannery, It is ordered that Howard L. Barkdull, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard P. Whiteley, It is ordered that Henry H. Roberts, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren E. Miller, It is ordered that Robert King Wise, Esquire, of Columbia, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. P. O'Neil, It is ordered that Wilder Howard Middleton, Esquire, of Waverly, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Spalding Flannery, It is ordered that Edwin R. Chaney, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Thomas J. Brady,

Petitioner,

163 vs.

Terminal Railroad Association of St. Louis.

Argument continued by Mr. Walter M. Davis for the Respondent and concluded by Mr. Mark D. Eagleton for the Petitioner.

Charles F. Blackton,

Petitioner,

167 vs.

Aaron Gordon.

Argued by Mr. Aaron Gordon for the Respondent and case submitted by Mr. Clement M. Corbin and Mr. E. A. Markley for the Petitioner.

A. Howard Myers, Individually, etc., et al.,

Petitioners,

181 vs.

Bethlehem Shipbuilding Corporation, Ltd.; and

A. Howard Myers, Individually, Edmund J. Blake, et al., etc.,

Petitioners,

182 vs.

Charles MacKenzie, Individually, etc., et al.

Argued by Mr. Robert B. Watts for the Petitioners; by Mr. Claude R. Branch for the Respondent in No. 181 and by Mr. E. A. Brickley for the Respondent in No. 182.

Newport News Shipbuilding and Dry Dock Company,

Petitioner,

305 vs.

Bennett F. Schauffler, Individually, etc., et al.

Argument commenced by Mr. H. H. Rumble for the Petitioner; continued by Mr. Robert B. Watts for the Respondents; and concluded by Mr. Fred H. Skinner for the Petitioner.

The United States of America,

Petitioner,

199 vs.

Ben B. Jackson, by his guardian, etc.

Argument commenced by Mr. Fendall Marbury for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler, Associate Justices.
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Miss May T. Bigelow, It is ordered that Alger A. Williams, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss May T. Bigelow, It is ordered that Charles M. Kendall, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Donald Gilbert Eggerman, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. F. O'Neil, It is ordered that William P. Stephenson, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

199 vs.

Ben B. Jackson, by his Guardian, etc.

Argument continued by Mr. Fendall Marbury for the Petitioner; by Mr. H. H. Wise and Mr. Warren E. Miller for the Respondent; and concluded by Mr. Fendall Marbury for the Petitioner.

Estaban Adam,

Petitioner,

197 vs.

William Saenger, et al.

Argued by Mr. M. G. Adams for the Petitioner and case submitted by Mr. Oliver J. Todd for the Respondents.

The Tax Commission of Ohio,

Petitioner,

215 vs.

Rollin A. Wilbur, et al.

Argument commenced by Mr. A. T. O'Neil for the petitioner; continued by Mr. Edwin H. Chaney for the Respondents; and concluded by Mr. William P. Stephenson for the Petitioner.

Leo N. Munro,

Petitioner,

218 vs.

The United States of America.

Argument commenced by Mr. Alger A. Williams for the Petitioner and continued by Mr. Charles H. Kendall for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler, Associate Justices.
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George C. Gertman, It is ordered that Raymond Brooks, Esquire, of North Manchester, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Ryan Duffy, It is ordered that Richard R. Davis, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul R. Shafer, It is ordered that Denver C. Marlan, Esquire, of Richmond, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James M. Kane, It is ordered that Trevor V. Roberts, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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O R D E R

IT IS ORDERED BY THE COURT that the accompanying correspondence between members of the Court and Mr. Justice Sutherland be this day spread upon the Minutes and that it also be printed in the reports of the Court.

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SUPREME COURT OF THE UNITED STATES
Washington, D. C.

January 6, 1938.

My dear Justice Sutherland:

Upon your retirement from regular active service on the bench, we wish to give you renewed assurance of our warm affection and of our high appreciation of the distinguished ability and unremitting devotion which have characterized your long participation in the work of the Court. Not only have you brought to our deliberations learning and dialectical skill, a wide knowledge of affairs enriched by varied and eminent public service, and a habit of thoroughness and precision, but you have matched tenacity of purpose with an unvarying kindliness and have mellowed our deliberations with unfailing humor. We keenly regret the loss of this companionship which will ever remain a delightful memory. We trust that in your retirement from the constant labor of active service you will find fresh vigor and the abiding satisfaction which comes from the consciousness of arduous duties performed with complete fidelity.

Faithfully yours,

Charles E. Hughes
James C. McReynolds
Louis D. Brandeis
Pierce Butler
Harlan F. Stone
Owen J. Roberts
Benjamin N. Cardozo
Hugo L. Black.

Mr. Justice Sutherland.

SUPREME COURT OF THE UNITED STATES

Washington, D. C.

January 7, 1938.

My dear Brethren:

I have read your letter, and make my reply to it with mingled emotions of gratitude for the more than generous things you say, and sorrow that these amenities end the completeness of that close and affectionate comradeship which reaches back so many years. It is very hard for me to step out of this circle, where I have taken comfort for so long. I leave the Court with keen regret. I have loved the work in which we have been engaged together; and only a definite conviction that the time has come reconciles me to the unwelcome thought of laying it down. The memory of our association will remain; but this, although very dear, will not compensate me for the loss of the reality. May health and happiness attend you all throughout the coming years.

Very sincerely yours,

Geo. Sutherland.

The Chief Justice
Mr. Justice McReynolds
Mr. Justice Brandeis
Mr. Justice Butler
Mr. Justice Stone
Mr. Justice Roberts
Mr. Justice Cardozo
Mr. Justice Black.

Duke Power Company and Southern Public Utilities Company,

Petitioner,

397 vs.

Greenwood County, et al.

Mandate ordered to issue forthwith on motion of Mr. Solicitor General Reed for the Respondents.

Leo N. Munro,

Petitioner,

218 vs.

The United States of America.

Argument continued by Mr. Charles H. Kendall for the Petitioner; by Mr. Julius C. Martin for the Respondent; and concluded by Mr. Charles H. Kendall for the Petitioner.

The United States,

Petitioner,

231 vs.

Robert Esnault-Pelterie.

Argued by Mr. Drury W. Cooper for the Petitioner and by Mr. George T. Bean and Mr. Eugene V. Myers for the Respondent.

Compania Espanola de Navegacion Maritima, S. A., owner etc.,

Petitioner,

242 vs.

Spanish Steamship "Navemar", her engines, etc., et al.

Argument commenced by Mr. T. Catesby Jones for the Petitioner and continued by Mr. Charles W. Hagen for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Leon Sacks, It is ordered that Peter P. Zion, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon Sacks, It is ordered that Daniel J. S. O'Donnell, Esquire, of Phoenixville, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Welsh, It is ordered that Ewell Strong, Esquire, of Beaumont, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Milton Simpson, It is ordered that John S. King, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard H. Sandler, It is ordered that Morris Ehrlich, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Merrick Bond, It is ordered that George S. Leisure, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew D. Sharpe, It is ordered that William P. McCool, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Shelby S. Faulkner, It is ordered that Carl B. Davidson, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Mary Duke Biddle,

Petitioner,

55 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Stone.

Dissenting: Mr. Justice McReynolds, Mr. Justice Sutherland and Mr. Justice Butler.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

505 vs.

George W. Elkins.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Dissenting: Mr. Justice McReynolds, Mr. Justice Sutherland and Mr. Justice Butler.

Lanasa Fruit Steamship and Importing Company, Inc.,

Petitioner,

57 vs.

Universal Insurance Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Justice McReynolds and Mr. Justice Sutherland.

The Chief Justice announced the following order of the Court:

Chase Securities Corporation (Now Amerex Holding Corporation),

Appellant,

621 vs.

William P. Husband, Jr., Succeeding Arthur Guy, as Commissioner of Banks, et al.

ON CONSIDERATION of the motion for leave to file brief in opposition to the motion to dismiss or affirm in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Chase Securities Corporation (Now Amerex Holding Corporation),

Appellant,

621 vs.

William P. Husband, Jr., Succeeding Arthur Guy, as Commissioner of Banks, et al.

Appeal from the Superior Court of the Commonwealth of Massachusetts.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Massachusetts, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R

It is ordered by this Court that the Rules of this Court be amended by adding thereto Rule 46-1/2, to read as follows:

"46-1/2.

"APPEALS UNDER THE ACT OF AUGUST 24, 1937.

"Appeals to this court under the Act of August 24, 1937, shall be governed, as far as may be, by the rules of this court regulating the procedure on appeal in other cases from courts of the United States; Provided, however, that when an appeal is taken under Section 2 of the Act the service required by paragraph 2 of Rule 12 shall be made on all parties to the suit other than the party or parties taking the appeal. The record shall be made up and the case docketed in this court within sixty days from the time the appeal is allowed."

Per Mr. Chief Justice Hughes.

In re Disbarment of George B. Hayes.

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O R D E R

It having been reported to the Court that the name of George B. Hayes, of New York, N. Y., a member of the bar of this Court, has been stricken from the roll of attorneys and counselors at law in the State of New York by order of the Appellate Division of the Supreme Court of the State of New York for the First Judicial Department, upon the consent of the said George B. Hayes, after the institution of a proceeding against him charging him with professional misconduct;

And it appearing that by order of November 22, 1937, this Court suspended the said George B. Hayes from the practice of the law in this Court

and directed that a rule issue requiring him to show cause why he should not be disbarred from the practice of the law in this Court;

And it appearing that said rule was duly issued and served upon the respondent, and the return day of the rule having passed and no return or answer to the rule having been filed by or in behalf of the respondent;

It is now here ordered that George B. Hayes be, and he is hereby, disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Hughes.

Ex Parte Mauro Piergiovanni,

Petitioner.

— Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Elmer O'Neill,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Ralph Mark,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Georgia,

Complainant,

1, Original. vs.

Tennessee Copper Company, et al.

ON CONSIDERATION of the joint motion to dismiss the bill of complaint in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted. Decree to be settled on notice.

Per Mr. Chief Justice Hughes.

State of Wisconsin, et al.,

Complainants,

3, Original. vs.

State of Illinois and Sanitary District of Chicago, et al.;

State of Michigan, et al.,

Complainants,

4, Original. vs.

State of Illinois and Sanitary District of Chicago, et al; and

State of New York, et al.,

Complainants,

5, Original. vs.

State of Illinois and Sanitary
District of Chicago, et al.

O R D E R

The semi-annual report of the defendant, Sanitary District of Chicago, dated January 1, 1938, is received and ordered filed.

Per Mr. Chief Justice Hughes.

M. C. Hinderlider, as State Engineer,
&c., et al.,

Appellants,

437 vs.

The La Plata River and Cherry Creek
Ditch Company.

Upon consideration of the memorandum of the Attorney General of the United States, filed at the request of the Court embodied in the order of October 25, 1937, and in view of the Act of August 24, 1937, 75th Congress, 1st Session, Chapter 754, the Court hereby certifies to the Attorney General of the United States that the constitutionality of a compact, affecting the public interest, between the States of Colorado and New Mexico of November 27, 1922, approved by Congress on January 29, 1925, is drawn in question in this cause.

Per Mr. Chief Justice Hughes.

Federal Trade Commission,

Petitioner,

14 vs.

Standard Education Society, et al.

ON CONSIDERATION of the motion of the respondents to amend the opinion in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Electric Bond and Share Company, et al.,

Petitioners,

636 vs.

Securities and Exchange Commission, et al.

ON CONSIDERATION of the motion of the respondents to advance this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted and the case is advanced and assigned for argument on Monday, February 7, next.

Per Mr. Chief Justice Hughes.

Georgia M. Spruill,

Petitioner,

651 vs.

Harriet T. Serven.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Georgia M. Spruill,

Petitioner,

651 vs.

Harriet T. Serven.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Georgia M. Spruill,

Petitioner,

652 vs.

William T. Ballard, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Georgia M. Spruill,

Petitioner,

652 vs.

William T. Ballard, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. D. Adams Manufacturing Company,

Appellant,

641 vs.

William Storen, as Chief Administrative Officer, etc., et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Arkansas Louisiana Gas Company,

Appellant,

645 vs.

Department of Public Utilities, et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

R. E. Blevins,

Petitioner,

609 vs.

Bank of America National Trust and Savings Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

City of Portland, Joseph K. Carson, Jr., Harry M. Miles, et al.,

Petitioners,

611 vs.

Bank of California, National Association, National Bank of Portland (Oregon), et al.

On petition for writ of certiorari to the Supreme Court of the State of Oregon.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oregon, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Almours Securities, Inc.,
Petitioner,
613 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gold Creek Mining Company,
Petitioner,
614 vs.
Seymour Standish.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel Davis Robins and Robins Conveyor Belt Company,
Petitioners,
627 vs.
William L. Wettlaufer and The W. S. Tyler Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Minnie Kaplan,
Petitioner,
631 vs.
Joseph Loev.

On petition for writ of certiorari to the Supreme Court of the State of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles Kaplan,
Petitioner,
632 vs.
Joseph Loev.

On petition for writ of certiorari to the Supreme Court of the State of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James L. Taulbee, as Administrator of the Estate of Russell L. Taulbee, Deceased,
Petitioner,
615 vs.
Great Northern Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York Trust Company, Executor, etc.,

Petitioner,

921 O.T. 1936 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. M. Hebert, et al.,

Petitioners,

422 vs.

Rio Bravo Oil Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry H. Taylor, as Receiver, etc.,

Petitioner,

550 vs.

C. H. Bancroft, as Receiver, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. J. Barnett,

Appellant,

569 vs.

Stanley Rogers, Sheriff of
Oklahoma County, Oklahoma.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

City of Ocean City,

Petitioner,

525 vs.

Federal Reserve Bank of Philadelphia.

ON CONSIDERATION of the motion to reinstate the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

City of Ocean City,

Petitioner,

525 vs.

Federal Reserve Bank of Philadelphia.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, it is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

The Court will take a recess from Monday, January 17, until Monday, January 31, next.

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Alabama Power Company,

Petitioner,

84 vs.

Harold L. Ickes, as Federal Emergency Administrator of Public Works, et al.; and

Alabama Power Company,

Petitioner,

85 vs.

Harold L. Ickes, as Federal Emergency Administrator of Public Works, et al.

Motion that mandate be ordered to issue forthwith submitted by Mr. Assistant Solicitor General Bell for the Respondents.

Alabama Power Company,

Petitioner,

84 vs.

Harold L. Ickes, as Federal Emergency Administrator of Public Works, et al.; and

Alabama Power Company,

Petitioner,

85 vs.

Harold L. Ickes, as Federal Emergency Administrator of Public Works, et al.

ON CONSIDERATION of the motion of counsel for the Respondents that the mandate in these cases issue forthwith,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

General Baking Company,

Petitioner,

382 vs.

Goldblatt Bros., Inc.

Motion for leave to file second petition for rehearing submitted by Mr. Frederic P. Warfield for the petitioner.

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Saint Paul Mercury Indemnity Company,

Petitioner,

274 vs.

Red Cab Company.

Submitted by Mr. Burke G. Slaymaker for the Petitioner and by Mr. William E. Reiley for the Respondent.

Compania Espanola de Navegacion Maritima, S. A., Owner, etc.,

Petitioner,

242 vs.

Spanish Steamship "Navemar," her engines, etc., et al.

Argument continued by Mr. Charles W. Hagen for the Respondents and concluded by Mr. T. Catesby Jones for the Petitioner.

State of Indiana, ex rel. Dorothy Anderson,

Petitioner,

256 vs.

Harry Brand, Trustee, etc.

Argument commenced by Mr. Paul R. Shafer for the Petitioner; continued by Mr. Raymond Brooks and Mr. Asa J. Smith for the Respondent; and concluded by Mr. Thomas F. O'Mara for the Petitioner.

Pierce Lonergan,

Petitioner,

121 vs.

The United States of America.

Argued by Mr. Pierce Lonergan for the Petitioner and by Mr. J. Albert Woll for the Respondent.

Benjamin B. Foster and Robert R. Todd, Executors, etc.,

Petitioners,

189 vs.

The United States.

Argument commenced by Mr. William P. McCool for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, JANUARY 11, 1938.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black. Associate Justices

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Ansel M. Kahn, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Benjamin Harrison, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that J. Hart Clinton, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morris Fromkin, It is ordered that A. W. Richter, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. C. Dill, It is ordered that Orville Smith, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward C. Eicher, It is ordered that Paul J. Kehoe, Esquire, of Manchester, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick Schwertner, It is ordered that L. Harold Sothoron, Esquire, of Brentwood, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Murray, It is ordered that Charles A. Leonard, Esquire, of Butte, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Meyer, It is ordered that James A. Poore, Esquire, of Butte, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Edward Luaf, et al.,

Petitioners,

293 vs.

E. G. Shinner & Company, Inc.

Motion for leave to file brief of American Civil Liberties Union, Inc., and International Juridical Association, as amici curiae, submitted by Mr. Frederick A. Ballard in that behalf.

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Benjamin B. Foster and Robert R. Todd, Executors, etc.,

Petitioners,

189 vs.

The United States.

Argument continued by Mr. William P. McCool for the Petitioner; continued by Mr. Arnold Raum for the Respondent; and concluded by Mr. William P. McCool for the Petitioner.

H. M. Henneford, T. S. Heges, and T. M. Jenner,

Appellants,

243 vs.

Northern Pacific Railway Company.

Argued by Mr. R. G. Sharpe for the Appellants and by Mr. M. L. Countryman, Jr., for the Appellee.

Rainier National Park Company,

Appellant,

334 vs.

Clarence D. Martin, as Governor of the State of Washington, et al.

Argument commenced by Mr. F. D. Metzger for the Appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that Neil Cunningham, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Wallace, It is ordered that Leonard P. Moore, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas L. Hatch, It is ordered that Herbert J. Jacobi, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew J. Fransue, It is ordered that Leslie P. Jones, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence Lewis, It is ordered that Theodore Epstein, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Rainier National Park Company,

Appellant,

334 vs.

Clarence D. Martin, as Governor of the State of Washington, et al.

Argument concluded by Mr. R. G. Sharpe for the Appellees.

Edward Lauf, et al.,

Petitioners,

293 vs.

E. G. Shinner & Company, Inc.

Argued by Mr. A. W. Richter for the Petitioners and by Mr. Walter L. Gold for the Respondent.

Guaranty Trust Company of New York, Executor, etc.,

Petitioner,

301 vs.

Commissioner of Internal Revenue.

Argument commenced by Mr. Montgomery B. Angell for the Petitioner and continued by Mr. Edward J. Ennis for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler, Associate Justices.
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Al Philip Kane, It is ordered that Walter K. E. Jaeger, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Leo Erskine Wyman, Esquire, of Hutchinson, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oscar W. Underwood, Jr., It is ordered that Thomas W. Palmer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ennis, It is ordered that James V. Hayes, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert V. Fletcher, It is ordered that Selim Barnett Lemle, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Burnita Sheldon Matthews, It is ordered that May C. Sickmon, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

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Guaranty Trust Company of New York,
Executor, etc.,

Petitioner,

301 vs.

Commissioner of Internal Revenue.

Argument continued by Mr. Edward J. Ennis for the Respondent and concluded by Mr. Montgomery B. Angell for the Petitioner.

Guy P. Atkinson and Geo. H. Atkinson,
co-partners, etc.,

Appellants,

303 vs.

State Tax Commission of Oregon, et al.

Argued by Mr. Howard P. Arnest for the Appellants and by Mr. Carl E. Davidson for the Appellees.

New York Life Insurance Company,

Petitioner,

323 vs.

Stella Jane Gamer, as Executrix, etc.

Argued by Mr. J. A. Poore for the Petitioner and by Mr. William Meyer for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Louis E. Spiegler, It is ordered that Solomon Alpher, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward F. Colladay, It is ordered that Curtiss K. Thompson, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph Talbot McElvenny, It is ordered that Hereford T. Fitch, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob Louis Morewitz, It is ordered that C. Harold Baldwin, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Henry C. Clausen, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward A. Zimmerman, It is ordered that William R. Engelhardt, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

324 vs.

Charles E. Mitchell.

Argued by Mr. Edward S. Greenbaum for the Petitioner and by Mr. William Wallace for the Respondent.

Connecticut General Life Insurance Company,

Appellant,

316 vs.

Charles G. Johnson, as Treasurer of the State of California.

Argument commenced by Mr. William Marshall Bullitt for the Appellant; continued by Mr. Neil Cunningham for the Appellee; and concluded by Mr. B. M. Anderson for the Appellant.

The United States of America,

Petitioner,

352 vs.

Illinois Central Railroad Company, a corporation.

Argument commenced by Mr. Gordon Dean for the Petitioner.

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Proclamation being made the Court is adjourned until Monday next at 12 o'clock

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Louis D. Brandeis,
George Sutherland,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black. Associate Justices.
Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that S. Charles Bubacz, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Stanley Reed, It is ordered that Nathan W. Kath, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that Raymond W. Starr, Esquire, of Grand Rapids, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that Clare E. Hoffman, Esquire, of Allegan, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that Raymond R. Dresser, Esquire, of Sturgis, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edgar Bronson Tolman, It is ordered that John Jones Sharon, Esquire, of Glenview, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that Paul P. Glaser, Esquire, of Gary, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Royal C. Johnson, It is ordered that Warren G. Magnuson, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Royal C. Johnson, It is ordered that Harold H. Schroedzke, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Emanuel Celler, It is ordered that Jacob A. Freedman, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Emanuel Celler, It is ordered that Ralph W. Crolly, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chas. F. Consaul, It is ordered that Verne E. Robinson, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward A. Zimmerman, It is ordered that Austin W. Zimmerman, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America, Petitioner,

143 vs.

Helen J. Stevens, Administratrix, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

The United States of America, Petitioner, vs. Ben B. Jackson, by His Guardian Ad Litem, Alphene W. Dowell.

199

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of South Carolina.

Per Mr. Justice Black.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

The Creek Nation, Petitioner, vs. The United States.

140

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Ocean Beach Heights, Inc., Normandy Beach Development Company, et al.,

Petitioners,

10 vs.

The Brown-Crummer Investment Company, Town of North Miami, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Florida with directions to dismiss the bill.

Per Mr. Justice Butler.

Minnesota Tea Company,

Petitioner,

106 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Sutherland.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

David A. Wright,

Petitioner,

37 vs.

The United States.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the decision of this case.

Separate opinion by Mr. Justice Stone in which Mr. Justice Brandeis concurs.

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The Chief Justice announced the following order of the Court:

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Rainier National Park Company,

Appellant,

334 vs.

Clarence D. Martin, as Governor of the State of Washington, et al.

Appeal from the District Court of the United States for the Western District of Washington.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Charles Lefkowitz,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte J. R. Palmer,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Texas,

Complainant,

12, Original. vs.

The State of Florida, et al.

O R D E R

Upon consideration of the motion of Mabel Harlow Green that the bill of complaint in this cause be dismissed as to her, and of the stipulation of the parties to the cause, attached thereto, consenting to the granting of such relief, the motion is granted and the bill of complaint is dismissed as to the said Mabel Harlow Green, without costs as to her.

Per Mr. Chief Justice Hughes.

Biggio Matarani,

Petitioner,

670 vs.

Reading Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Biggio Matarani,

Petitioner,

670 vs.

Reading Company.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Catherine Schultz,

Petitioner,

671 vs.

Live Stock National Bank of Chicago, Administrator of the Estate of Max Grabo, Deceased.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Catherine Schultz,
Petitioner,
671 vs.
Live Stock National Bank of Chicago, Administrator of the Estate of Max Grabo, Deceased.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari to the Appellate Court of the State of Illinois, First District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Julian K. Saylar,
Petitioner,
673 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Julian K. Saylar,
Petitioner,
673 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

People of the State of New York,
ex rel. Paul Kurzynski,

Petitioner,

678 vs.

William Hunt, as Warden of Attica
State Prison, Attica, New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Baltimore and Ohio Railroad Company,
et al.,

Appellants,

638 vs.

The United States of America, et al.

ON CONSIDERATION of the motion for leave to file the statement of jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Millar Brainard,

Order allowing certiorari.

Petitioner,

633 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is assigned for hearing immediately following No. 558.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Edward H. Alsop,

Petitioner,

626 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Di Giorgio Fruit Corporation and Aetna Life Insurance Company,

Petitioners,

630 vs.

Augustus P. Norton, Deputy Commissioner, Third Compensation District and Andrew H. Henson, Claimant.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Nettie Meyer, Anna Jacobsen, Jacob Meyeroff, et al.,

Petitioners,

639 vs.

Kenmore Granville Hotel Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Aerovox Corporation,
Petitioner,
646 vs.
Micamold Radio Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York Life Insurance Company,
Petitioner,
659 vs.
Ruth Graham.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United Shoe Machinery Corporation,
Petitioner,
185 vs.
Thomas W. White, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United Shoe Machinery Corporation,
Petitioner,
186 vs.
Thomas W. White, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United Shoe Machinery Corporation,
Petitioner,
187 vs.
Malcolm E. Nichols, Formerly Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

F. W. Woolworth Co.,
Petitioner,
568 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,
Petitioner,
653 vs.
F. W. Woolworth Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred J. Reardanz,
Petitioner,
476 vs.
The Connecticut Mutual Life Insurance Company of Hartford, Connecticut, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

It appearing to the Court that counsel for the Petitioner in the above entitled cause has failed to comply with the rules of this Court;

THEREFORE, IT IS ORDERED by this Court that the petition for writ of certiorari, in this cause, be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

General Baking Company,
Petitioner,
382 vs.
Goldblatt Bros., Inc.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

General Baking Company,

Petitioner,

382 vs.

Goldblatt Bros., Inc.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering Commissioner of Internal Revenue,

Petitioner,

27 vs.

H. C. Gowran.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Roland H. Weir,

Petitioner,

584 vs.

The United States of America;

Roland H. Weir,

Petitioner,

585 vs.

The United States of America;

Roland H. Weir,

Petitioner,

586 vs.

The United States of America;

Raymond E. Korte,

Petitioner,

587 vs.

The United States of America;

Raymond E. Korte,

Petitioner,

588 vs.

The United States of America; and

Raymond E. Korte,

Petitioner,

589 vs.

The United States of America.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

General Baking Company,

Petitioner,

591 vs.

Luther A. Harr (Successor to William D. Gordon), Secretary of Banking, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

West Brothers Brick Company,

Appellant,

vs.

City of Alexandria.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1937.

ORDER.

By its order of June 3, 1935, the Court appointed an Advisory Committee to assist the Court in the preparation of a unified system of general rules of procedure in the District Courts of the United States, in accordance with Section 2 of the Act of June 19, 1934, c. 651 (48 Stat. 1064). The members of the Committee were:

William D. Mitchell, of New York City, Chairman.
Scott M. Loftin, of Jacksonville, Florida, President of the American Bar Association.
George W. Wickersham, of New York City, President of the American Law Institute.
Wilbur H. Cherry, of Minneapolis, Minnesota, Professor of Law at the University of Minnesota.
Charles E. Clark, of New Haven, Connecticut, Dean of the Law School of Yale University.
Armistead M. Dobie, of University, Virginia, Dean of the Law School of the University of Virginia.
Robert G. Dodge, of Boston, Massachusetts.
George Donworth, of Seattle, Washington.
Joseph G. Gamble, of Des Moines, Iowa.
Monte M. Lemann, of New Orleans, Louisiana.
Edmund M. Morgan, of Cambridge, Massachusetts, Professor of Law at Harvard University.
Warren Olney, Jr., of San Francisco, California.
Edson R. Sunderland, of Ann Arbor, Michigan, Professor of Law at the University of Michigan.
Edgar B. Tolman, of Chicago, Illinois.
Charles E. Clark, of New Haven, Connecticut, was appointed Reporter to the Advisory Committee.

Following the death of George W. Wickersham, the Court, on February 17, 1936, appointed George Wharton Pepper, of Philadelphia, Pennsylvania, in his stead, and Mr. Pepper succeeded Mr. Wickersham as Vice Chairman of the Committee.

The Committee at once organized and for about two years and a half its members devoted themselves to the task assigned them.

The United States of America,

Petitioner,

352 vs.

Illinois Central Railroad Company, a corporation.

Argument continued by Mr. Gordon Dean for the Petitioner, and concluded by Mr. Selim B. Lemle for the Respondent.

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Proclamation being made the Court is adjourned until Monday, January 31, at 12 o'clock.

West Brothers Brick Company,

Appellant,

616 vs.

City of Alexandria.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Apart from the work of the reporter of the Committee, and of those who gave special assistance in drafting, the members served without compensation. They held frequent and protracted meetings and prepared tentative drafts which were submitted to Federal Judges, to committees of lawyers appointed in various Judicial Districts, and to associations of the Bar. These drafts had a wide circulation and a large number of lawyers and judges availed themselves of the opportunity to offer criticisms and suggestions.

The Committee submitted its final draft to this Court in November last, and the Court after considering the draft and making such changes as were deemed advisable transmitted the rules to the Attorney General of the United States for submission to Congress as provided in the statute. The Court is informed that the Attorney General submitted the rules accordingly at the opening of the present session of Congress.

The Court expresses its high appreciation of the services of the members of the Advisory Committee who at great personal sacrifice have performed a most important public duty and by their expert knowledge and painstaking collaboration have aided the Court in the formulation of a system of rules designed to promote the simplification of procedure in the Federal Courts and thus to increase the efficiency of the administration of justice.

The Court directs that this expression be spread upon the Journal of the Court and that a copy be sent to each member of the Committee.

January 17, 1938.

The United States of America,

Petitioner,

352 vs.

Illinois Central Railroad Company, a corporation.

Argument continued by Mr. Gordon Dean for the Petitioner, and concluded by Mr. Selim B. Lemle for the Respondent.

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Proclamation being made the Court is adjourned until Monday, January 31, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that J. Alton Mosch, Esquire, of Gainsville, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that Donald J. Lynn, Esquire, of Youngstown, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Bernard O'Brien, Jr., It is ordered that Fred H. Rees, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence Lewis, It is ordered that Emmett Thurmon, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Randolph Barton, Jr., It is ordered that William R. Semans, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that C. W. A. Meacham, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Patton, It is ordered that Richard E. Manson, Esquire, of Santa Fe, State of New Mexico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank H. Patton, It is ordered that D. A. Macpherson, Jr., Esquire, of Albuquerque, State of New Mexico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. King Funkhouser, It is ordered that Ran G. Whittle, Esquire, of Roanoke, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. F. Hobbs, It is ordered that Albert Burton Routwell, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel S. Holmes, It is ordered that Lorentz B. Knouff, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurlow G. Lewis, It is ordered that Robert H. Allison, Esquire, of Pekin, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis M. Denit, It is ordered that Charles J. W. Meisel, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph J. Weinberger, It is ordered that Nicholas Martini, Esquire, of Passaic, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Clay Espey, It is ordered that Max H. Braunstein, Esquire, of Youngstown, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Randolph Barton, Jr., It is ordered that Edwin Walker Semans, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles W. Collins, It is ordered that Hugo A. Steinmeyer, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that Samuel Cohen, Esquire, of Wilmette, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that Joseph B. Roberts, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George E. Strong, It is ordered that Louis E. Clevenger, Esquire, of Salina, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George E. Strong, It is ordered that Oscar Ostrum, Esquire, of Russell, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Wiener, It is ordered that Jacob E. Max, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Daniel M. Rosen, Esquire, of Union City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that James Rosen, Esquire, of Union City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Wronz, It is ordered that Harold Becker, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"Mr. Stanley Reed, of Kentucky, has been nominated by the President for the office of Associate Justice and his nomination has been confirmed by the Senate. Mr. Reed is present. The Clerk will read his commission. Mr. Reed will then take the oath of office prescribed by the statute and he will be escorted by the Marshal to his seat on the bench."

The Clerk then read the commission as follows:

"FRANKLIN D. ROOSEVELT,

President of the United States of America,

To all who shall see these Presents, Greeting:

Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Stanley Reed, of Kentucky, I have nominated, and, by and with the advice and consent of the Senate, do appoint him an Associate Justice of the Supreme Court of the United States and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Stanley Reed, during his good behavior.

In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

S E A L

Done at the City of Washington this twenty-seventh day of January, in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty-second.

Franklin D. Roosevelt.

By the President:

Homer Cummings

Attorney General."

The oath of office was then administered by the Clerk, and Mr. Justice Reed was escorted by the Marshal to his seat on the bench.

Which said oaths were in the words and figures following:

"SUPREME COURT OF THE UNITED STATES.

October Term, 1937.

I, STANLEY REED, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter.

So help me God.

Stanley Reed

Subscribed and Sworn to before
me this 31st day of January
A. D. 1938.

Charles E. Hughes
Chief Justice of the United States.

"SUPREME COURT OF THE UNITED STATES.

October Term, 1937.

I, STANLEY REED, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States.

So help me God.

Stanley Reed

Subscribed and sworn to before
me this 31st day of January
A. D. 1938.

Charles Elmore Cropley
Clerk of the Supreme Court of the United States.

Benjamin B. Foster and Robert R. Todd, Executors of the Estate of Anna Foster Ford, Deceased,

Petitioners,

189 vs.

The United States.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Charles F. Blackton,

Petitioner,

167 vs.

Aaron Gordon.

On writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Errors and Appeals of the State of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Errors and Appeals, in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Roberts.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

State of Indiana ex rel. Dorothy Anderson,

Petitioner,

256 vs.

Harry Brand, Trustee of Chester School Township of Wabash County, Indiana.

On writ of certiorari to the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Black.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Estaban Adam,

Petitioner,

197 vs.

William Saenger, et al.

On writ of certiorari to the Court of Civil Appeals of the State of Texas, Ninth Supreme Judicial District.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals of the State of Texas, Ninth Supreme Judicial District, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Civil Appeals, in this cause be, and the same is hereby reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Civil Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Black concurs in the result.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Compania Espanola De Navegacion Maritima, S. A., Owner of the Spanish Steamship "Navemar",

Petitioner,

242 vs.

Spanish Steamship "Navemar", Her Engines, etc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed without costs; and that the order of the District Court of the United States for the Eastern District of New York denying the application of the Ambassador of the Republic of Spain to intervene, be, and the same is hereby, modified as indicated in the opinion of this Court.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Connecticut General Life Insurance Company,

Appellant,

316 vs.

Charles G. Johnson, as Treasurer of the State of California.

Appeal from the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgments of the said Supreme Court, in this cause, be, and the same are hereby, reversed with costs; and that this cause be, and the

same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

Dissenting opinion by Mr. Justice Black.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

A. Howard Myers, Individually and as Acting Regional Director for the First Region, National Labor Relations Board, et al.,

Petitioners,

181 vs.

Bethlehem Shipbuilding Corporation, Ltd.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts with direction to dismiss the bill of complaint.

Per Mr. Justice Brandeis.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

A. Howard Myers, Edmund J. Blake and Daniel M. Lyons, Individually and as the National Labor Relations Board,

Petitioners,

182 vs.

Charles MacKenzie, Individually and as Chairman, James E. Manning, etc., et al.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts with direction to dismiss the bill of complaint.

Per Mr. Justice Brandeis.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Newport News Shipbuilding and Dry Dock Company,

Petitioner,

305 vs.

Bennett F. Schauffler, Individually and as Regional Director for the 5th Region, National Labor Relations Board, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Virginia.

Per Mr. Justice Brandeis.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Pierce Lonergan,
Petitioner,
121 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice McReynolds.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Leo N. Munro,
Petitioner,
218 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of New York.

Per Mr. Justice McReynolds.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Gertrude Kay, Alias Gertrude Klein, Petitioner,

61 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

Thomas J. Brady, Petitioner,

163 vs.

Terminal Railroad Association of St. Louis.

On writ of certiorari to the Supreme Court of the State of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

H. H. Henneford, T. S. Hedges,
and T. M. Jenner,

Appellants,

243 vs.

Northern Pacific Railway Company.

ON CONSIDERATION of the motion of Appellee for leave to file an affidavit to supplement the record,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. H. Henneford, T. S. Hedges,
and T. M. Jenner,

Appellants,

243 vs.

Northern Pacific Railway Company.

Appeal from the District Court of the United States for the Eastern District of Washington.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court with directions to dismiss the bill for want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

Guy F. Atkinson and Geo. H. Atkinson, Co-partners Doing Business as Guy F. Atkinson Company,

Appellants,

303 vs.

State Tax Commission of Oregon, et al.

Appeal from the Supreme Court of the State of Oregon.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oregon, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

The United States,

Petitioner,

231 vs.

Robert Esnault-Pelterie.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Justice Black.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte E. R. Lindsey,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Albert B. Bleecker,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Peter Gibbons,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Basil H. Pollitt,

Petitioner,

684 vs.

Joseph W. Cox.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Basil H. Pollitt,

Petitioner,

684 vs.

Joseph W. Cox.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Basil H. Pollitt,

Petitioner,

736 vs.

Alfred A. Wheat.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Basil H. Pollitt,

Petitioner,

736 vs.

Alfred A. Wheat.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert L. Hill,

Petitioner,

711 vs.

The Railroad Industrial Finance Company, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert L. Hill,

Petitioner,

711 vs.

The Railroad Industrial Finance Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Bostic,

Petitioner,

725 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Bostic,

Petitioner,

725 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Interstate Circuit, Inc., et al.,

Appellants,

709 vs.

The United States of America.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Paramount Pictures Distributing Company, Inc., et al.,

Appellants,

710 vs.

The United States of America.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Bates Manufacturing Company,

Petitioner,

Order allowing certiorari.

647 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Joe Hale,

Petitioner,

680 vs.

Commonwealth of Kentucky.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Joe Hale,

Petitioner,

680 vs.

Commonwealth of Kentucky.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky is granted and the case is assigned for argument on Monday, February 28, next.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Colescott P. Harding,

Petitioner,

649 vs.

Kentucky Title Trust Company.

ON CONSIDERATION of the motion for supersedeas herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Colescott P. Harding,

Petitioner,

649 vs.

Kentucky Title Trust Company.

On petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the Commonwealth of Kentucky, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harold Van Riper,

Petitioner,

634 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry T. Clarke, Trustee,

Petitioner,

635 vs.

Chicago, Burlington & Quincy Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

President of the United States of America, on the Relation of Gennaro Caputo,

Petitioner,

637 vs.

John J. Kelly, United States Marshal, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fidelity-Phenix Fire Insurance Company of New York, et al.,

Petitioners,

642 vs.

Cortez Cigar Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cortez Cigar Company,

Petitioner,

650 vs.

Fidelity-Phenix Fire Insurance Company of New York, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George Isackson,

Petitioner,

644 vs.

School District No. 37, Clark County, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Max Goldberg,

Petitioner,

648 vs.

J. M. McCauley, as Warden of the Washington State Penitentiary at Walla Walla, Washington.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter Logan, Trustee in Bankruptcy of Virginia Oil Refining Company, Bankrupt,

Petitioner,

656 vs.

Stanolind Oil and Gas Company, Sirms Oil Company, Continental Oil Company and Tide Water Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Witt K. Cochrane,

Petitioner,

661 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William K. Fellows,
Petitioner,
662 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. A. Livingston, Inc.,
Petitioner,
665 vs.
Pocono Rubber Cloth Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. C. Hipp, Trustee in Bankruptcy of the Lang Body Company, Bankrupt,
Petitioner,
669 vs.
John J. Boyle, Treasurer of Cuyahoga County, Ohio.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

146 vs.

Ralph Raynor; and

The United States of America,

Petitioner,

147 vs.

Chett Fowler.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elmer W. Kelley, et al.,

Petitioners,

304 vs.

The City of Atlantic City and Harry Bacharach.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward H. Alsop,

Petitioner,

626 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Electric Bond and Share Company,
et al.,

Petitioners,

636 vs.

Securities and Exchange Commission, et al.

Motion to substitute parties respondent submitted by Mr. Assistant Solicitor General Bell.

Electric Bond and Share Company,
et al.,

Petitioners,

636 vs.

Securities and Exchange Commission, et al.

The resignation of James M. Landis and James D. Ross, members of the Securities and Exchange Commission, and the appointment of Jerome N. Frank and John W. Hanes thereto having been suggested,

It is, on motion of counsel for the Respondents, ordered by this Court that Jerome N. Frank and John W. Hanes, present members of the Securities and Exchange Commission, be substituted as parties respondent in place of James M. Landis and James D. Ross, resigned.

Per Mr. Chief Justice Hughes.

Thomas B. Hassett, Individually and
as Former Acting Collector,

Petitioner,

375 vs.

E. Sohier Welch, et al., Executors.

Motion for leave to file brief as amicus curiae submitted by Mr. Harry Friedman.

Thomas B. Hassett, Individually and as Former Acting Collector,

Petitioner,

375 vs.

E. Sohier Welch, et al., Executors.

ON CONSIDERATION of the motion for leave to file brief of Garret W. McEnerney and Paul Armitage as amici curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas J. Mooney,

Petitioner,

738 vs.

Court Smith, Warden of San Quentin Penitentiary, State of California.

Motion as to printing the record submitted by Mr. John F. Finerty for the Petitioner.

Ex Parte Bryant McQuillen, et al.,

Petitioners.

—, Original.

Motion for leave to file petition for writs of mandamus and prohibition submitted by Mr. Samuel Gottlieb for the Petitioners.

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Erie Railroad Company,

Petitioner,

367 vs.

Harry J. Tompkins.

Argued by Mr. Theodore Kiendl for the Petitioner and by Mr. Fred H. Rees for the Respondent.

Western Live Stock, a partnership composed of Frazier Biggs and D. F. Biggs,

Appellant,

322 vs.

Bureau of Revenue and John A. Bingaman, Commissioner of Revenue.

Argued by Mr. D. A. Macpherson, Jr., for the Appellant and by Mr. Frank H. Patton for the Appellees.

C. C. McCollum, Trustee in Bankruptcy of Lookout Planing Mills,

Petitioner,

342 vs.

Hamilton National Bank of Chattanooga.

Argument commenced by Mr. Joseph W. Thompson for the Petitioner; continued by Mr. C. W. H. Meacham for the Respondent; and concluded by Mr. Joseph B. Roberts for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Claude R. Branch, It is ordered that Edward C. Thayer, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude R. Branch, It is ordered that Henry Mixon Meyer, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude R. Branch, It is ordered that George E. Brown, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that Jay W. Dickey, Esquire, of Pine Bluff, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that Alexander Hendrix Rowell, Jr., Esquire, of Pine Bluff, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas I. Emerson, It is ordered that Mortimer Riemer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles W. Arth, It is ordered that Jewel Alexander, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Fitts, It is ordered that Robert S. Hill, Jr., Esquire, of Montgomery, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Fitts, It is ordered that Frederick E. Baukhages, III, Esquire, of Mathews, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse I. Miller, It is ordered that W. Frank Taylor, Esquire, of Goldsboro, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John P. Dockweiler, It is ordered that Harry Graham Balter, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Hughes, It is ordered that Jay E. Darlington, Esquire, of Hammond, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Charles G. Johnson, as Treasurer of the State of California, et al.,

Appellants,

321 vs.

M. G. West Company.

Motion for leave to file petition for rehearing submitted by Mr. Roger J. Traynor for the Appellants.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

349 vs.

Sellar Bullard, as Executor, etc.;

Thomas B. Hassett, Individually and as Former Acting Collector,

Petitioner,

375 vs.

E. Sohier Welch, et al., Executors; and

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

484 vs.

Charles H. Marshall, Administrator, etc.

Argument commenced by Mr. Assistant Attorney General Morris for the petitioners; continued by Mr. Samuel S. Holmes for the respondent in No. 349; by Mr. William D. Mitchell for the respondent in No. 484; by Mr. John L. Hall and Mr. Claude A. Branch for the respondents in No. 375; and concluded by Mr. Assistant Attorney General Morris for the petitioners.

Guy T. Helvering, Commissioner of
Internal Revenue,

Petitioner,

346 vs.

Nellie B. Bowers, Administratrix
of the estate of John O. Bowers,
Deceased.

Argument commenced by Mr. Andrew D. Sharpe for the Petitioner and continued by Mr. Jay E. Darlington for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert H. Jackson, It is ordered that Dorothy Kenyon, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Miss Elizabeth F. Reed, It is ordered that Catherine E. Myers, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William S. Culbertson, It is ordered that Inzer B. Wyatt, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving Schwed, It is ordered that Arthur B. Smith, Esquire, of Somerville, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Guy T. Helvering, Commissioner of
Internal Revenue,

Petitioner,

346 vs.

Nellie B. Bowers, Administratrix
of the estate of John O. Bowers,
Deceased.

Argument commenced by Mr. Andrew D. Sharpe for the Petitioner and continued by Mr. Jay E. Darlington for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert H. Jackson, It is ordered that Dorothy Kenyon, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Miss Elizabeth F. Reed, It is ordered that Catherine E. Myers, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William S. Culbertson, It is ordered that Inzer B. Wyatt, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving Schwed, It is ordered that Arthur D. Smith, Esquire, of Somerville, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Lenihan, It is ordered that Thomas J. Gain, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. White, It is ordered that Bradley D. Kimbrough, Esquire, of McAllen, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl E. Mapes, It is ordered that John R. Dethmers, Esquire, of Holland, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William M. Malone, It is ordered that William V. Holohan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that J. Richard Townsend, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dale C. Dillon, It is ordered that Nathan Shefner, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis . Rudner, It is ordered that Carl E. Geuther, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

346 vs.

Nellie B. Bowers, Administratrix, etc.

Argument continued by Mr. Jay E. Darlington for the Respondent and concluded by Mr. Andrew D. Sharpe for the Petitioner.

Laura G. Foster, as Executrix, etc.,

Petitioner,

469 vs.

Commissioner of Internal Revenue.

Argued by Mr. Philip G. Sheehy for the Petitioner and by Mr. Andrew D. Sharpe for the Respondent.

The Century Indemnity Company,

Petitioner,

362 vs.

G. Nelson.

Argued by Mr. Jewel Alexander for the Petitioner and case submitted by Mr. Joe G. Sweet for the Respondent.

Noah Adair,

Petitioner,

365 vs.

Bank of America National Trust and Savings Association.

Argued by Mr. William Lemke for the Petitioner and by Mr. Hugo A. Steinmeyer for the Respondent.

The Kansas Farmers Union Royalty Company, et al.,

Appellants,

366 vs.

Ira Shaffer, Executor, etc.

Argument commenced by Mr. L. E. Clevenger for the Appellants.

The Court declined to hear further argument.

Robert K. Mookini, et al.,

Petitioners,

319 vs.

The United States of America.

Argued by Mr. Bates Booth for the Respondent and case submitted by Mr. O. P. Soares for the Petitioners.

Ticonic National Bank, et al.,

Petitioners,

374 vs.

Lottie F. Sprague, et al.

Argument commenced by Mr. George P. Barse for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that James M. Pipkin, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly

On motion first made to the Court in this behalf by Mr. Samuel Marshall Gold, It is ordered that Jeremiah T. Mahoney, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey Doane Eaton, It is ordered that A. Raymond Rogers, Esquire, of Waterville, State of Maine, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ticonic National Bank, et al.,

Petitioners,

374 vs.

Lottie F. Sprague and Margaret Davis Sprague.

Argument continued by Mr. George P. Barse for the Petitioners; by Mr. Harvey D. Eaton for the Respondents; and concluded by Mr. George P. Barse for the Petitioners.

Susie Maty, Administratrix of the Estate of George Maty, also known as George Matey,

Petitioner,

378 vs.

Grasselli Chemical Company.

Argued by Mr. Thomas F. Gain for the Petitioner and by Mr. Louis Rodner for the Respondent.

Leave granted Petitioner to file additional brief within five days.

The People of the State of New York, ex rel. Consolidated Water Company of Utica, New York,

Appellant,

380 vs.

Milo R. Maltbie, et al.

Three hours allowed for oral argument.

Argument commenced by Mr. Thayer Burgess for the Appellant and continued by Mr. Gay H. Brown for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Paxton Blair, It is ordered that Paul Van Anda, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Friedman, It is ordered that Francis W. Murphy, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Averill Rosenberg, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. C. Dill, It is ordered that Harry C. Barney, Esquire, of Anacortes, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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New York Rapid Transit Corporation,

Appellant,

435 vs.

The City of New York; and

Brooklyn and Queens Transit Corporation,

Appellant,

436 vs.

The City of New York.

Motion for leave to withdraw appearance of counsel submitted by Mr. Paxton Blair for the Appellee.

New York Rapid Transit Corporation,

Appellant,

435 vs.

The City of New York; and

Brooklyn and Queens Transit Corporation,

Appellant,

436 vs.

The City of New York.

ON CONSIDERATION of the motion for leave to withdraw the appearance of Paul Windels, Esquire, as counsel for the Appellee in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

The Kansas Farmers Union Royalty Company, et al.,

Appellants,

366 vs.

Ira Shaffer, Executor, et al.

Motion to defer consideration submitted by Mr. L. E. Clevenger for the Appellants.

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The People of the State of New York, ex rel. Consolidated Water Company of Utica, New York,

Appellant,

380 vs.

Milo R. Maltbie, et al.

Argument continued by Mr. Gay H. Brown for the Appellees and concluded by Mr. Thayer Burgess for the Appellant.

Alam Lovell,

Appellant,

391 vs.

The City of Griffin.

Argued by Mr. O. R. Moyle for the Appellant and case submitted by Mr. Hughes Spalding and Mr. Sumter M. Kelley for the Appellee.

National Labor Relations Board,

Petitioner,

413 vs.

Pennsylvania Greyhound Lines, Inc., et al.; and

National Labor Relations Board,

Petitioner,

504 vs.

Pacific Greyhound Lines, Inc.

Argued by Mr. Charles Fahy for the Petitioner and Mr. Ivan Bowen for the Respondents.

Escanaba and Lake Superior Railroad Company,

Appellant,

415 vs.

The United States of America, et al.

Argument commenced by Mr. John S. Burchmore for the Appellant and continued by Mr. J. Stanley Payne for the Appellees.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Richard B. Russell, Jr., It is ordered that Robert Wilson Smith, Jr., Esquire, of Gainesville, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that Robert B. Wickes, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mac Q. Williamson, It is ordered that Saul J. Gordon, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John R. Yates, It is ordered that Helene Gladys Daily, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Spalding Flannery, It is ordered that Marvin M. Trevathan, Esquire, of Lufkin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gregory Hankin, It is ordered that George C. Barnstatter, Esquire, of Belleville, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that Joseph Rodney Rhoades, Esquire, of McPherson, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Nathan Cosman,

Petitioner,

730 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis, in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Nathan Cosman,

Petitioner,

730 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Nathan Cosman,

Petitioner,

730 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

346 vs.

Nellie B. Bowers, Administratrix of the Estate of John O. Bowers, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Laura G. Foster, as Executrix of the Estate of Chapman Foster, Deceased,

Petitioner,

469 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1937.

ORDER

IT IS ORDERED that Rule LIII of the General Orders in Bankruptcy be, and the same hereby is, amended, effective immediately, to read as follows:

LIII.

BOND OF DESIGNATED DEPOSITORY UNDER § 61.

1. The bond required of a banking institution designated as a depository shall be given with an authorized fidelity or bonding company as surety, or with approved individual sureties who are residents of that judicial district and two of whom are neither officers nor directors of the institution designated as a depository.

2. The condition of bonds hereafter given shall be substantially to the effect that the banking institution, so designated, shall well and truly account for and pay over all monies deposited with it as such depository, and shall pay out such monies only as provided by the bankruptcy law and applicable general orders and court rules, and shall abide by all orders of the bankruptcy court in respect of such monies, and shall otherwise faithfully perform all duties pertaining to it as such depository.

3. As one means of bringing before the bankruptcy court information respecting possible occasions for requiring a depository to give a new bond with different sureties, it shall be the duty of each depository to file with the bankruptcy court during the month of January in each year a sworn statement in writing disclosing

(a) Whether any of the individual sureties on its bond has ceased to be a resident of that judicial district, or has died; and

(b) Whether the financial worth of any of its individual sureties has become materially impaired.

4. As one means of bringing before the bankruptcy court information respecting occasions for requiring a depository to give a new bond in an increased amount, it shall be the duty of any depository, when its total of bankruptcy deposits equals ninety-five per centum of the amount of its current depository bond, forthwith

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

346 vs.

Nellie B. Bowers, Administratrix of the Estate of John O. Bowers, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on th
from the United States Circuit Court of Appeals for
was argued by counsel.

ON CONSIDERATION WHEREOF, It is now
by this Court that the judgment of the said United
peals, in this cause, be, and the same is hereby, r
cause be, and the same is hereby, remanded to the
peals for further proceedings in conformity with th

Per Mr.

Mr. Justice Cardozo and Mr. Justice Reed took
tion or decision of this case.

Laura G. Foster, as Executrix of the Estate of Chapman Foster, Deceased,

Petitioner,

469 vs.

Commissioner of Internal Revenue.

On writ
United
Appeals

THIS CAUSE came on to be heard on t
from the United States Circuit Court of Appeals fo
was argued by counsel.

ON CONSIDERATION WHEREOF, It is now
by this Court that the judgment of the said United
peals, in this cause, be, and the same is hereby,
cause be, and the same is hereby, remanded to the
peals.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

to file a written statement with the bankruptcy court, setting forth the total amount of such deposits and the amount of its current bond.

5. No trustee or receiver shall deposit with any one depository funds committed to his custody as such receiver or trustee in excess of the amount of the bond of such depository then in force.

6. It shall be the duty of the bankruptcy court to require a depository to give a new bond whenever it appears that the prior bond is not sufficient in amount, in view of present and prospective deposits, or that a surety has died or ceased to be a resident of that judicial district, or whenever there is otherwise occasion to believe that the prior bond does not constitute adequate security.

7. It shall be the duty of the bankruptcy court to require each depository in its district to give a new bond within five years after the giving of its last prior bond.

8. A surety, or the personal representative of a deceased surety, on the bond of a depository may, by a petition setting forth the grounds therefor, request the bankruptcy court to require the depository to give a new bond and thereby to relieve such surety, or his estate, from responsibility and liability as respects any future default of the depository, and, if upon a hearing had after reasonable notice to the depository, to other sureties on the bond, and to the trustees or other representatives of bankrupt estates having deposits in such depository, it appears to the court that the petition can be granted without injury to any party in interest, the court shall require the depository to give a new bond.

9. A new bond given under any subdivision of this general order shall, from the time of its approval by the bankruptcy court, be regarded as taking the place of the preceding bond as respects any subsequent default of the depository; and, upon approving the new bond, the court shall enter an order relieving the sureties on the prior bond, and the estate of any deceased surety, from responsibility and liability thereon as respects any default of the depository occurring thereafter.

10. If any depository, when required to give a new bond, fails to comply with that requirement within the time fixed therefor by this general order or by the bankruptcy court, it shall be the duty of that court to order such depository to pay over all monies on deposit with it as such depository, and to revoke its designation as depository.

February 7, 1938.

ORDER OF ALLOTMENT OF JUSTICES.

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices of this Court among the Circuits, agreeably to the Acts of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit,	Louis D. Brandeis,	Associate Justice.
For the Second Circuit,	Harlan F. Stone,	Associate Justice.
For the Third Circuit,	Owen J. Roberts,	Associate Justice.
For the Fourth Circuit,	Charles Evans Hughes,	Chief Justice.
For the Fifth Circuit,	Hugo L. Black,	Associate Justice.
For the Sixth Circuit,	James C. McReynolds,	Associate Justice.
For the Seventh Circuit,	Benjamin N. Cardozo,	Associate Justice.
For the Eighth Circuit,	Pierce Butler,	Associate Justice.
For the Ninth Circuit,	Stanley Reed,	Associate Justice.
For the Tenth Circuit,	Pierce Butler,	Associate Justice.

Per Mr. Chief Justice Hughes.

In re Disbarment of J. William Tomlinson.

—

O R D E R

It having been reported to the Court that J. William Tomlinson, of Washington, D. C., a member of the Bar of this Court, has been disbarred from the practice of the law in the District Court of the United States for the District of Columbia;

IT IS ORDERED that the said J. William Tomlinson be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue returnable within forty (40) days requiring the said J. William Tomlinson to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Hughes.

In re Disbarment of C. L. Kagey.

—

O R D E R

A rule is ordered to issue returnable on Monday, February 28, 1938, requiring C. L. Kagey, of Wichita, Kansas, a member of the Bar of this Court, to show cause why he should not be disbarred for conduct unbecoming a member of the Bar of this Court.

Per Mr. Chief Justice Hughes.

Ex Parte Bryant McQuillen and Samuel Gottlieb,

Petitioners.

—, Original.

ON CONSIDERATION of the motions for leave to file petitions for writs of mandamus and prohibition herein,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Justice McReynolds.

The Chief Justice and Mr. Justice Stone took no part in the consideration or decision of these applications.

Ex Parte Charles E. Phillips,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Andrew B. Young,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for declaratory judgment herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Petroleum Exploration, Inc.,

Appellant,

705 vs.

Public Service Commission of Kentucky, et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Petroleum Exploration, Inc.,

Appellant,

705 vs.

Public Service Commission of Kentucky, et al.

ON CONSIDERATION of the motion for injunctive relief pending appeal herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States,

Appellant,

707 vs.

The Klamath and Modoc Tribes and Yahooskin Band of Snake Indians.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this question.

John Keller,

Petitioner,

722 vs.

Fred G. Zerbst, Warden, U. S. Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Keller,

Petitioner,

722 vs.

Fred G. Zerbst, Warden, U. S. Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bryant McQuillen and Samuel Gottlieb,
Petitioners,
654 vs.
Honorable William C. Coleman, Judge of the District Court for the District of Maryland.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Chief Justice and Mr. Justice Stone took no part in the consideration or decision of this application.

Moulding-Brownell Corporation,
Petitioner,
681 vs.
Honorable Philip L. Sullivan and Material Service Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Security-First National Bank of Los Angeles, Trustee of the Estate of E. T. R. Kleinmeyer, Deceased,
Petitioner,
657 vs.
Galen H. Welch, Former Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lottie A. Abbott, the Legal Representative and Administratrix of the Estate of James F. Felley, Deceased, etc.,

Petitioner,

666 vs.

Henry Morgenthau, Jr., as Secretary of the Treasury of the United States, et al., etc.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward Lee Dip,

Petitioner,

677 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cudahy Packing Company,

Petitioner,

686 vs.

Andrew L. McBride.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles G. Johnson, as Treasurer
of the State of California, et al.,

Appellants,

321 vs.

M. G. West Company.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Charles G. Johnson, as Treasurer of
the State of California, et al.,

Appellants,

321 vs.

M. G. West Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, on
relation of Chester A. Willoughby,
as Trustee, etc., et al.,

Petitioners,

30 vs.

Sam Howard and Continental Casualty
Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Almours Securities, Inc.,

Petitioner,

613 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Georgia M. Spruill,

Petitioner,

651 vs.

Harriet T. Serven; and

Georgia M. Spruill,

Petitioner,

652 vs.

William T. Ballard, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

The Court will take a recess from Monday, February 14, until Monday, February 28, next.

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The State of Oklahoma, upon the relation of Howard C. Johnson, Bank Commissioner,

Plaintiff,

—, Original. vs.

R. M. Cook.

Motion for leave to file bill of complaint submitted by Mr. Francis C. Brown for the Plaintiff.

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Escanaba and Lake Superior Railroad Company,

Appellant,

415 vs.

The United States of America, Interstate Commerce Commission, et al.

Argument continued by Mr. J. Stanley Payne for the Appellees, the United States and Interstate Commerce Commission; by Mr. C. R. Sutherland for the Appellees, Henry A. Scandrett, et al., Trustees of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company; and concluded by Mr. John S. Burchmore for the Appellant.

Southwestern Bell Telephone Company,

Appellant,

560 vs.

State of Oklahoma, et al.

Argued on the motion to dismiss by Mr. Mac Q. Williamson for the Appellees in support of the motion and by Mr. Erwin W. Clausen for the Appellant in opposition thereto.

New York Rapid Transit Corporation,

Appellant,

435 vs.

The City of New York; and

Brooklyn and Queens Transit Corporation,

Appellant,

436 vs.

The City of New York.

Argued by Mr. Harold L. Warner and Mr. Paul D. Miller for the Appellants, and by Mr. Paxton Blair for the Appellee.

Electric Bond and Share Company, et al.,

Petitioners,

636 vs.

Securities and Exchange Commission, et al.

Six hours allowed for oral argument.

Argument commenced by Mr. Thomas D. Thacher for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George C. Ober, Jr., It is ordered that Robert L. Bridges, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth Douglas McKellar, It is ordered that William Richard Nowlin, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Earl Drayton Parr, Esquire, of Punta Gorda, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. Jackson, It is ordered that Maurice L. A. Gellis, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. Jackson, It is ordered that John J. Abt, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth Douglas McKellar, It is ordered that John S. Snowden, II, Esquire, of Memphi State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth Douglas McKellar, It is ordered that Allan Davis, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solitha J. Laws, It is ordered that H. Gus Muntzing, Esquire, of Moorefield, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Reese McCloskey, It is ordered that Charles J. Beise, Esquire, of Durango, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis D. Stephens, It is ordered that Nathaniel L. Leek, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that Percy R. Jacobson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Electric Bond and Share Company,
et al.,

Petitioners,

636 vs.

Securities and Exchange Commission,
et al.

Argument continued by Mr. Thomas D. Thacher for the Petitioners and by Mr. Assistant Attorney General Jackson and Mr. Benjamin V. Cohen for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Maxmilian Ader, It is ordered that Sol L. Neuhaus, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Horton, It is ordered that Ernest Diebel, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alva B. Adams, It is ordered that R. F. Camalier, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alva B. Adams, It is ordered that John T. Berbrick, Esquire, of Pueblo, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that Martin J. Weil, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that William Drennan, Esquire, of Kansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Electric Bond and Share Company,
et al.,

Petitioners,

636 vs.

Securities and Exchange Commission,
et al.

Argument continued by Mr. Benjamin V. Cohen for the Respondents and concluded by Mr. John F. MacLane for the Petitioners.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

387 vs.

Bankline Oil Company; and

Bankline Oil Company,

Petitioner,

388 vs.

Guy T. Helvering, Commissioner
of Internal Revenue.

Argued by Mr. Assistant Solicitor General Bell for the Commissioner of Internal Revenue and by Mr. Martin J. Weil for the Bankline Oil Company.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

406 vs.

Thomas A. O'Donnell.

Argument commenced by Mr. Assistant Solicitor General Bell for the Petitioner and continued by Mr. A. Calder Mackay for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, FEBRUARY 10, 1938.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John E. Miller, It is ordered that John William Alexander, Esquire, of Newark, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren E. Miller, It is ordered that Stephen A. Cross, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren Fay Wattles, It is ordered that Perry W. Loren, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph V. Heffernan, It is ordered that John P. Ohl, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren Fay Wattles, It is ordered that Ralph S. Gayton, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. McNabb, It is ordered that William R. Johnson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. McNabb, It is ordered that Edwin G. Martin, Esquire, of Relay, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Houston, It is ordered that Leon A. Ransom, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred Schwertner, It is ordered that Max Weitz, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward A. Zimmerman, It is ordered that John B. Robinson, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. J. Bourg, It is ordered that Bernard J. Daly, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert H. Ladner, Jr., It is ordered that Abraham J. Greskoff, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

406 vs.

Thomas A. O'Donnell.

Argument concluded by Mr. A. Calder Mackay for the Respondent.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

446 vs.

Elbe Oil Land Development Company.

Argued by Mr. Assistant Solicitor General Bell for the Petitioner and by Mr. George T. Altman for the Respondent.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

600 vs.

Mountain Producers Corporation.

Argued by Mr. Assistant Solicitor General Bell for the Petitioner and by Mr. Harold D. Roberts for the Respondent.

M. C. Hinderlider, as State Engineer
of the State of Colorado, et al., etc.,

Appellants,

437 vs.

The LaPlata River and Cherry Creek
Ditch Company.

Argument commenced by Mr. Ralph L. Carr for the Appellants.

Argument suspended.

Argument on motion to dismiss commenced by Mr. Charles J. Beise for the Appellees, in support of the motion, and continued by Mr. Ralph L. Carr for the Appellants, in opposition thereto.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jesse P. Wolcott, It is ordered that Donald S. Leonard, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William B. Barry, It is ordered that Eugene J. Keogh, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John D. Cox, It is ordered that Frederick Secord, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John D. Cox, It is ordered that Loy N. McIntosh, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Michael Cook, It is ordered that Joseph H. Church, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. P. Michael Cook, It is ordered that Lemuel A. Maslup, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward A. Zimmerman, It is ordered that Boice Gross, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur D. Condon, It is ordered that Charles R. Culligan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur D. Condon, It is ordered that Herold M. Masson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Burnita Sheldon Matthews, It is ordered that Marion E. Pollock Thompson, of Crestwood, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew Donald Hane, It is ordered that George O. Tiffany, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph Edwin Church, It is ordered that Ase S. Chapman, Esquire, of Champaign, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. C. Dill, It is ordered that James E. Waddell, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"Mr. Justice Butler is absent today and we note with deep sorrow the cause of that absence in the tragic death of his son, Kevin Butler. We express to our brother Butler and to the members of his family our deepest sympathy in this sad bereavement."

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M. C. Hinderlider, as State Engineer of the State of Colorado, et al., etc.,

Appellants,

437 vs.

The LaPlata River and Cherry Creek Ditch Company.

Argument resumed by Mr. Ralph L. Carr for the Appellants; continued by Mr. Charles J. Beise for the Appellee; and concluded by Mr. Byron G. Rogers for the Appellants.

The United States of America,

Appellant,

439 vs.

Philip Klein, Escheator of the Commonwealth of Pennsylvania.

Argued by Mr. Assistant Attorney General Whitaker for the Appellant and by Mr. A. Jere Creskoff for the Appellee.

The United States of America,

Petitioner,

445 vs.

Stanley J. Patryas.

Argued by Mr. Wilbur C. Pickett for the Petitioner and by Mr. Warren E. Miller for the Respondent.

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Proclamation being made the Court is adjourned until Monday, February 14, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Morgan G. Sanders, It is ordered that James R. Curtis, Esquire, of Longview, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John L. McClellan, It is ordered that Clyde H. Brown, Esquire, of Hot Springs, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence Lewis, It is ordered that Royal R. Irwin, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Philip Charles Gorman, Esquire, of Leesburg, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that Eugene M. Hinds, Esquire, of Maywood, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Dockweiler, It is ordered that Dean Sherry, Esquire, of San Diego, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that Joseph William Burns, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Heber H. Rice, It is ordered that Edward E. Cobbs, Esquire, of Montgomery, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry H. Semmes, It is ordered that James C. Shelor, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dozier A. DeVane, It is ordered that James Thomas Gurney, Esquire, of Orlando, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that William A. Alfs, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Susie Maty, Administratrix of the Estate of George Maty, Also Known as George Matey,

Petitioner,

vs.

Grasselli Chemical Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

378

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

South Carolina State Highway Department, South Carolina Public Service Commission, et al.,

Appellants,

vs.

Barnwell Brothers, Inc., Poole Transportation, Inc., Horton Motor Lines, Inc., et al.

Appeal from the District Court of the United States for the Eastern District of South Carolina.

161

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of South Carolina, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

United Gas Public Service Company,

Appellant,

13 vs.

State of Texas, Mrs. Miriam A. Ferguson, Former Governor of Texas, et al.

Appeal from the Court of Civil Appeals of the State of Texas, Third Supreme Judicial District.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals of the State of Texas, 3rd Supreme Judicial District, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Civil Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this case.

Concurring opinion by Mr. Justice Black.

Separate opinion by Mr. Justice McReynolds and Mr. Justice Butler.

The People of the State of New York, ex rel. Consolidated Water Company of Utica, New York,

Appellant,

380 vs.

Milo R. Maltbie, George R. Van Namee, George M. Lunn, et al., etc.

Appeal from the Supreme Court of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and on motion to dismiss or affirm which was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

New York Life Insurance Company,
Petitioner,
vs.
Stella Jane Gamer, as Executrix of the Will of E. Walter Gamer, Also Known as Edward W. Gamer, Deceased.

323

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Montana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Butler.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black.

The Chief Justice announced the following order of the Court:

J. D. Poole,
Appellant,
vs.
The State of Florida.

748

Appeal from the Supreme Court of the State of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Florida, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment sought to be reviewed is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

J. D. Poole,

Appellant,

748 vs.

The State of Florida.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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The State of Oklahoma, Upon the Relation of Howard C. Johnson,

Plaintiff,

—, Original. vs.

R. M. Cook.

A rule is ordered to issue requiring the Defendant to show cause on or before March 7, next, why leave to file the bill of complaint herein should not be granted.

Per Mr. Chief Justice Hughes.

Ex Parte Elbert Elwood Cogg,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harvey S. Adams, Receiver, etc.,

Petitioner,

123 vs.

Geneva M. Nagle, et al.; and

Harvey S. Adams, Receiver, etc.,

Petitioner,

124 vs.

J. Edwin Tobias, et al.

These cases are restored to the docket and assigned for reargument on Monday, March 7, next.

Per Mr. Chief Justice Hughes.

Thomas J. Mooney,

Petitioner,

738 vs.

Court Smith, Warden, &c.

The Petitioner having withdrawn the motion for leave to proceed on a printed abstract of the record and having moved for time to present a brief in support of a petition for certiorari, the latter motion is granted, and It is ordered that Petitioner have thirty days from this date in which to file with this Court and serve upon Respondent a brief in support of the petition for certiorari, and that Respondent have thirty days after such filing and service to file with the Court and serve upon Petitioner an opposing brief. The parties may refer to the typewritten record in the respective briefs above mentioned.

Questions in relation to the preparation and printing of the record or abstracts thereof will be reserved until the coming in of such briefs.

Per Mr. Chief Justice Hughes.

People of the State of New York
ex rel. Samuel L. Geiselman,

Petitioner,

745 vs.

William Hunt, as Warden of
Attica Prison.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

People of the State of New York,
ex rel. Samuel L. Geiselman,

Petitioner,

745 vs.

William Hunt, as Warden of
Attica Prison.

On petition for writ of certiorari to the Wyoming County Court, State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Wyoming County Court, State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John A. Johnson,

Petitioner,

699 vs.

Fred G. Zerbst, Warden, United
States Penitentiary, Atlanta, Georgia.

Order allowing certiorari.

The petition herein for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

667 vs.

Harry A. Kaplan.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted, and the case is assigned for argument immediately following No. 528.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

The United States,

Petitioner,

668 vs.

Shoshone Tribe of Indians of the Wind River Reservation in Wyoming.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted, and the case is assigned for argument immediately preceding No. 707.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Reed took no part in the consideration or decision of this application.

The United States,

Petitioner,

668 vs.

Shoshone Tribe of Indians of the Wind River Reservation in Wyoming.

Further consideration of the motion to remand this case to the

Court of Claims for additional findings of fact is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

William D. Levey,
Petitioner,
672 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Schriber-Schroth Company,
Petitioner,
674 vs.
The Cleveland Trust Company,
Chrysler Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Aberdeen Motor Supply Company,
Petitioner,
675 vs.
The Cleveland Trust Company, Chrysler Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The P. E. Howe Sales Company,
Petitioner,
676 vs.
The Cleveland Trust Company,
Chrysler Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William C. Carter,
Petitioner,
679 vs.
Marvel Carburetor Company.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dutchess Underwear Corporation,
Petitioner,
682 vs.
Industrial Rayon Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pacific Gas and Electric Company,
Petitioner,
700 vs.
Sacramento Municipal Utility District, Royal Miller, Albert Elkus, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Chicago, Burlington & Quincy Railroad Company,
Petitioner,
704 vs.
Ruby R. Goodman, Administratrix of the Estate of Howard F. Goodman, Deceased.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, 1st District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David Danish, as Trustee in Bankruptcy of Sobod, Inc., Bankrupt,
Petitioner,
708 vs.
Joseph Sofranski and David Bodner.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wabash Appliance Corporation, Abe Adler and Abe Parker,
Petitioners,
712 vs.
General Electric Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Peerless Equipment Company,
Petitioner,
721 vs.
W. H. Miner, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ocean Beach Heights, Inc., et al.,
Petitioners,
10 vs.
The Brown-Crummer Investment Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Catherine Schultz,

Petitioner,

671 vs.

Live Stock National Bank of Chicago, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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State of Missouri,

Complainant,

16, Original. vs.

State of Iowa.

Application of Defendant for rule to particularize presented.

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Proclamation being made the Court is adjourned until Monday, February 28, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Harry S. Pollard, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert Edward Carter, It is ordered that Wallace Shepard, Esquire, of Sacramento, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Elmore Whitehurst, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Byron B. Harlan, It is ordered that Richard L. Withrow, Esquire, of Dayton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that Allen Watkins, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Patterson, It is ordered that Joseph D. Calhoun, Esquire, of Media, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Shelby S. Faulkner, It is ordered that Joseph F. McMahon, Esquire, of Pleasant Ridge, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that E. A. Coker, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Patterson, It is ordered that Robert Winfield Baile, Esquire, of Lansdowne, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Patterson, It is ordered that Martin F. Hatch, Esquire, of Upper Darby, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude C. Smith, It is ordered that Clarence G. Myers, Esquire, of Swarthmore, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Patterson, It is ordered that Raymond R. Start, Esquire, of Upper Darby, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. G. F. Snyder, It is ordered that Thomas E. Sands, Jr., Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jerry A. Mathews, It is ordered that Abraham I. Mayer, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Patterson, It is ordered that Raymond E. Larson, Esquire, of Media, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Nicholas J. Madgey, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Chas. M. Pollock, Esquire, of Fargo, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dawes E. Brisbine, It is ordered that Herman F. Chapman, Esquire, of Sioux Falls, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lyle F. O'Rourke, It is ordered that Edmund D. Buckley, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Noah Adair,

Petitioner,

365 vs.

Bank of America National Trust and Savings Association.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice McReynolds concurs in the result.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

The United States of America,
Petitioner,
445 vs.
Stanley J. Patryas.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Black.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Saint Paul Mercury Indemnity Company,
Petitioner,
274 vs.
Red Cab Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

349 vs.

Sellar Bullard, as Executor Under the Last Will and Testament of Clara R. Smith, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Thomas B. Hassett, Individually and as Former Acting Collector,

Petitioner,

375 vs.

E. Sohier Welch, et al., Executors.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

UPON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts.

Per Mr. Justice Roberts.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

484 vs.

Charles H. Marshall, Administrator of the Estate of Josephine B. Marshall, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Escanaba and Lake Superior Railroad Company,

Appellant,

415 vs.

The United States of America, Interstate Commerce Commission, Henry A. Scandrett, et al.

Appeal from the District Court of the United States for the Western District of Michigan.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Michigan, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Roberts.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Edward Lauf and Amalgamated Meat Cutters and Butcher Workmen of North America, Local No. 73,

Petitioners,

293 vs.

E. G. Shinner & Company, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Wisconsin for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

Western Live Stock, a Partnership Composed of Frazier Biggs and D. F. Biggs,

Appellant,

322 vs.

Bureau of Revenue and John A. Bingaman, Commissioner of Revenue.

Appeal from the Supreme Court of the State of New Mexico.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New Mexico, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Stone.

Dissenting: Mr. Justice McReynolds and Mr. Justice Butler.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

National Labor Relations Board,
Petitioner,
413 vs.
Pennsylvania Greyhound Lines, Inc., and Greyhound Management Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

National Labor Relations Board,
Petitioner,
504 vs.
Pacific Greyhound Lines, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

The United States of America,
Appellant,
439 vs.
Philip Klein, Escheator of the Commonwealth of Pennsylvania.

Appeal from the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Stone.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

The United States of America,
Petitioner,
352 vs.
Illinois Central Railroad Company, a Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Louisiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Butler.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

C. C. McCollum, Trustee in Bankruptcy of Lookout Planing Mills,

Petitioner,

342 vs.

Hamilton National Bank of Chattanooga.

On writ of certiorari to the Supreme Court of the State of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Butler.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

The United States of America and Interstate Commerce Commission,

Appellants,

63 vs.

W. V. Griffin and H. W. Purvis, Receivers for Georgia & Florida Railroad.

Appeal from the District Court of the United States for the Southern District of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Georgia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court with direction to dismiss the bill without costs to either party.

Per Mr. Justice Brandeis.

Mr. Justice Black agrees with the result and fully with all of the opinion except paragraph Fourth.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

The Century Indemnity Company,
Petitioner,
362 vs.
G. Nelson.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice McReynolds.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,
Petitioner,
128 vs.
John H. Therrell, Also Known as J. H. Therrell.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice McReynolds.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

129 vs.

William H. Tunnicliffe.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice McReynolds.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Edward McLoughlin,

Petitioner,

287 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice McReynolds.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

597 vs.

Clarence M. Freedman.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice McReynolds.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Robert K. Mookini and Lee Sau Chong,

Petitioners,

319 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

Southwestern Bell Telephone Company, Appellant, vs. State of Oklahoma and the Corporation Commission of the State of Oklahoma. — Appeal from the Supreme Court of the State of Oklahoma.

560

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and on motion to dismiss, which was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

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The Chief Justice announced the following orders of the Court:

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Arthur Rust, Appellant, vs. Martin T. Pratt, Sheriff of Multnomah County and James R. Bain, District Attorney. — Appeal from the Supreme Court of the State of Oregon.

768

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oregon, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed (1) for the reason that the judgment sought to be reviewed is based upon a non-federal ground adequate to support it; (2) for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Paul Jennings, Appellant, vs. Martin T. Pratt, Sheriff of Multnomah County and James R. Bain, District Attorney. — Appeal from the Supreme Court of the State of Oregon.

769

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oregon, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed (1) for the reason that the judgment sought to be reviewed is based upon a non-federal ground adequate to support it; (2) for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

C. N. Abbott, Appellant, vs. Martin T. Pratt, Sheriff of Multnomah County and James R. Bain, District Attorney. — Appeal from the Supreme Court of the State of Oregon.

770

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oregon, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed (1) for the reason that the judgment sought to be reviewed is based upon a non-federal ground adequate to support it; (2) for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Karl Tigert, Appellant, vs. Martin T. Pratt, Sheriff of Multnomah County and James R. Bain, District Attorney. — Appeal from the Supreme Court of the State of Oregon.

771

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oregon, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed (1) for the reason that the judgment sought to be reviewed is based upon a non-federal ground adequate to support it; (2) for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Charles Williams, Elias W. Bless and Joseph Cohen, et al.,

Appellants,

792 vs.

Michael J. Quill, as President of the Transport Workers Union of America, etc., et al.

ON CONSIDERATION of the motion for leave to file supplemental statement as to jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Charles Williams, Elias W. Bless and Joseph Cohen, et al.,

Appellants,

792 vs.

Michael J. Quill, as President of the Transport Workers Union of America, etc., et al.

Appeal from the Supreme Court of the State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a final judgment.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally.

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In re Disbarment of John L. Lotsch.

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It having been reported to the Court that John L. Lotsch, of New York, N. Y., has been disbarred from the practice of the law by the Appellate Division of the Supreme Court of the State of New York for the First Judicial Department;

IT IS ORDERED that the said John L. Lotsch be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue, returnable within forty (40) days, requiring him to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Hughes.

Ex Parte Albert R. House,

Petitioner.

—, Original.

O R D E R

A rule is ordered to issue, returnable within fifteen days from this date, requiring the Respondents to show cause why leave to file the petition for a writ of habeas corpus should not be granted.

Per Mr. Chief Justice Hughes.

Ex Parte Walter Gross,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file the petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte C. E. Phillips,

Petitioner.

—, Original.

ON CONSIDERATION of the motions for leave to file interrogatories herein,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Hughes.

Cassius McDonald,

Petitioner,

897 O.T. 1936 vs.

The United States.

A petition for a writ of error coram nobis having been filed in this cause,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

State of Missouri,

Complainant,

16, Original. vs.

State of Iowa.

ON CONSIDERATION of the application of the Defendant for a rule to particularize,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied, and the Defendant is required to answer within 30 days.

Per Mr. Chief Justice Hughes.

Edward Lauf and Amalgamated Meat Cutters and Butcher Workmen of North America, Local No. 73,

Petitioners,

293 vs.

E. G. Shinner & Company, Inc.

ON CONSIDERATION of the motion of American Civil Liberties Union, Inc., and International Juridical Association for leave to file a brief as amici curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Carl F. Belk,

Petitioner,

762 vs.

The Massman Construction Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Carl F. Belk,

Petitioner,

762 vs.

The Massman Construction Company.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Basil H. Pollitt,

Petitioner,

777 vs.

Roscoe W. Hall, Acting Superintendent of St. Elizabeths Hospital.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Basil H. Pollitt,

Petitioner,

777 vs.

Roscoe W. Hall, Acting Superintendent of St. Elizabeths Hospital.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George T. Simpson and Lillian F. Simpson,

Petitioners,

791 vs.

John A. Dyer, Thomas A. Griffin, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George T. Simpson and Lillian F. Simpson,

Petitioners,

791 vs.

John A. Dyer, Thomas A. Griffin, Walter H. North, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Phillip John Pratt,

Petitioner,

719 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Phillip John Pratt,

Petitioner,

719 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Helen R. Brown,

Petitioner,

799 vs.

Kenneth O. Brown.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Helen R. Brown,

Petitioner,

799 vs.

Kenneth O. Brown.

On petition for writ of certiorari to the Superior Court of the State of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the State of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arkansas Fuel Oil Company,

Appellant,

760 vs.

State of Louisiana, ex rel.
Hyman Muslow.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

William Mahoney, as Liquor Control Commissioner of the State of Minnesota, et al.,

Appellants,

761 vs.

Joseph Triner Corporation.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

757 vs.

Milo W. Bekins and Reed J. Bekins, as Trustees, etc.; and

Lindsay-Strathmore Irrigation District,

Appellant,

772 vs.

Milo W. Bekins and Reed J. Bekins, as Trustees, etc.

In these cases probable jurisdiction is noted. The motions to dismiss or affirm are denied.

Per Mr. Chief Justice Hughes.

James M. Wright,

Petitioner,

Order allowing certiorari.

715 vs.

Union Central Life Insurance Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

James M. Wright,

Petitioner,

716 vs.

Union Central Life Insurance Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner,

706 vs.

Mackay Radio & Telegraph Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

723 vs.

National Grocery Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the pro-

ceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

779 vs.

Philip L. Gerhardt.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration or decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

780 vs.

Billings Wilson.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration or decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

781 vs.

John J. Mulcahy.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration or decision of this application.

The United States of America,

Petitioner,

727 vs.

Norman Baker and E. R. Rood.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

Louis H. Pink, Superintendent of Insurance of the State of New York, as Liquidator for the Southern Surety Company of New York,

Petitioner,

655 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

August H. Moran, Receiver of Wardman Corporation, Inc.,

Petitioner,

660 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Theodore S. Wilkinson,

Petitioner,

664 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, ex rel John James Pannone,

Petitioner,

683 vs.

Laureat L. Martineau, United States Immigration Inspector in Charge.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles W. Taylor,
Petitioner,
685 vs.
Calmar Steamship Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edson M. Walker,
Petitioner,
687 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John M. Drummond,
Petitioner,
688 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John A. Luteran,
Petitioner,
689 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank H. Adams,
Petitioner,
690 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lorne E. Wells,
Petitioner,
691 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joe M. Wells, Jr., Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

692

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Leo B. Roach, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

693

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John T. Little, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

694

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gilbert Stevens,
Petitioner,
695 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Forest C. Homan,
Petitioner,
696 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George Neeper,
Petitioner,
697 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank Ditsch,
Petitioner,
698 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Associated Indemnity Corporation and Frank D. Jones,
Petitioners,
702 vs.
George F. Getty Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Atlanta Beer Distributing Co., Inc.,
Petitioner,
717 vs.
W. S. Alexander, as Administrator, Federal Alcohol Administration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Richard T. Harriss, William L. Harriss, Robert M. Harriss, et al., etc.,
Petitioners,

729 vs.

Indemnity Insurance Company of North America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Middle States Petroleum Corporation,
Petitioner,

658 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Don D. Bothwell and George M. Davis, as Receivers of the Magna Oil and Refining Company, a Corporation Dissolved,
Petitioners,

663 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Richard C. Hyland, Doing Business Under the Fictitious Name and Style of Hyland Bag Company,
Petitioner,

701 vs.

Millers National Insurance Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ernest M. Bull, Sole Surviving Executor and Trustee of the Estate of Archibald H. Bull, Deceased,
Petitioner,

703 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David Durbin, William C. Toomey and Joseph Winfield,
Petitioners,

713 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David Weinstein,
Petitioner,
714 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. Wm. Tomlinson,
Petitioner,
718 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Chessborough James Henry Mackenzie-Kennedy,
Petitioner,
720 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ignatio Lupo,
Petitioner,
724 vs.
Fred G. Zerbst, Warden, U. S. Penitentiary.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Byrd-Frost, Inc.,
Petitioner,
728 vs.
Mrs. Trip Elder, Individually, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Yvette Company, Otherwise Known as Yvette Company, Inc.,
Petitioner,
731 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Earl Corbett,

Petitioner,

732 vs.

Equitable Life Assurance Society of the United States.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William R. Willcox, as Trustee in Bankruptcy of the Estate of J. A. M. A. Realty Corporation, Bankrupt,

Petitioner,

733 vs.

Frederick V. Goess, as Receiver of the Harriman National Bank and Trust Company of the City of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William R. Willcox, as Trustee in Bankruptcy of the Estate of J. A. M. A. Realty Corporation, Bankrupt,

Petitioner,

734 vs.

Frederick V. Goess, as Receiver of the Harriman National Bank and Trust Company of the City of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William R. Willcox, as Trustee in Bankruptcy of the Estate of J. A. M. A. Realty Corporation, Bankrupt,

Petitioner,

735 vs.

Frederick V. Goess, as Receiver of the Harriman National Bank and Trust Company of the City of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Surety Company,

Petitioner,

739 vs.

Town of Hamden.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas A. Maynard, et al.,

Petitioners,

743 vs.

D. Carson Finney, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Baltimore and Ohio Railroad Company,

Petitioner,

749 vs.

Mary V. Love, as Administratrix of the Goods, Chattels and Credits of Timothy A. Love, Deceased, with Limited Power.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Estaban Adam,

Petitioner,

197 vs.

William Saenger, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Indiana, ex rel Dorothy Anderson,

Petitioner,

256 vs.

Harry Brand, Trustee, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

346 vs.

Nellie B. Bowers, Administratrix, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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In the Matter of the Disbarment of C. L. Kagey.

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Return to rule to show cause presented.

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Eugene Szold,

Appellant,

427 vs.

Outlet Embroidery Supply Co., Inc.

Argued by Mr. Henry Epstein for the Appellee and case submitted by Mr. Eugene L. Garey and Mr. Earl J. Garey for the Appellant.

Milton Coverdale, Sheriff and Ex-officio Tax Collector,

Appellant,

458 vs.

Arkansas-Louisiana Pipe Line Company.

Argument commenced by Mr. E. L. Richardson for the Appellant; continued by Mr. Leon O'Quin for the Appellee; and concluded by Mr. F. A. Blanche for the Appellant.

The United States of America,

Petitioner,

499 vs.

Robert K. Wurts.

Argued by Mr. Arnold Raum for the Petitioner and by Mr. Claude C. Smith for the Respondent.

John N. Shannahan and Claude J. Jackson, as Trustees of the property of Chicago, South Shore and South Bend Railroad, et al.,

Appellants,

502 vs.

The United States of America, et al.

Argument commenced by Mr. John C. Lawyer for the Appellants and continued by Mr. Leo P. Tierney for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. S. F. Hobbs, It is ordered that John H. Bankhead, 2nd., Esquire, of Jasper, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon Sacks, It is ordered that Harry Langsam, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Dockweiler, It is ordered that Joseph A. Spray, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter B. Guy, It is ordered that Thomas F. Patton, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Stanley, It is ordered that James B. Kelby, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight L. Taylor, It is ordered that Blatchford Downing, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Belford Nance Lawson, Jr., It is ordered that Thurman L. Dodson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rolland Lee Nutt, It is ordered that Raymond G. Stanbury, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George C. Ober, Jr., It is ordered that Gordon Johnson, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Raymond J. Meurer, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Coulter Wells, It is ordered that Mary Dixon Willis, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that R. F. (Dick) Voyer, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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John M. Shannahan and Claude J. Jackson, as Trustees of the Property of Chicago, South Shore and South Bend Railroad, et al.,

Appellants,

502 vs.

The United States of America, et al.

Argument continued by Mr. Leo F. Tierney for the Appellees and concluded by Mr. John C. Lawyer for the Appellants.

The United States of America,

Petitioner,

487 vs.

James E. O'Donnell, et al.

Four hours allowed for oral argument.

Argument commenced by Mr. Assistant Attorney General McFarland for the Petitioner and continued by Mr. William Stanley for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Miss Harriet Buckingham, It is ordered that Wilma Estella Van Doren, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren Fay Wattles, It is ordered that A. Barbara Bartels, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl Fenning, It is ordered that Julia L. Seider, of Bay Shore, Long Island, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Kramer, It is ordered that Raul R. Watkins, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Edson M. Walker,

Petitioner,

687 vs.

The United States of America;

John H. Drummond,

Petitioner,

688 vs.

The United States of America;

John A. Luteran,

Petitioner,

689 vs.

The United States of America;

Frank H. Adams,

Petitioner,

690 vs.

The United States of America;

Lorne E. Wells,

Petitioner,

691 vs.

The United States of America;

Joe R. Wells, Jr.,

Petitioner,

692 vs.

The United States of America;

Leo B. Roach,

Petitioner,

693 vs.

The United States of America;

John T. Little,

Petitioner,

694 vs.

The United States of America;

Gilbert Stevens,

Petitioner,

695 vs.

The United States of America;

Forest C. Holman,

Petitioner,

696 vs.

The United States of America;

George Neeper,

Petitioner,

697 vs.

The United States of America; and

Frank Ditsch,

Petitioner,

698 vs.

The United States of America.

Motion to withhold orders denying petition for writs of certiorari submitted by Mr. Ralph F. Lozier for the Petitioners.

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The United States of America,

Petitioner,

487 vs.

James E. O'Donnell, et al.

Argument continued by Mr. William Stanley and Mr. James E. Kolby for the Respondent, and concluded by Mr. Assistant Attorney General McFarland for the Petitioner.

The St. Louis, Brownsville and Mexico Railway Company, et al.,

Petitioners,

300 vs.

Brownsville Navigation District of Cameron County, Texas, et al.

Argued by Mr. Robert H. Kelley for the Petitioners and by Mr. Carl B. Callaway for the Respondents.

Leave granted to file supplemental briefs within ten days.

The New Negro Alliance, et al.,

Petitioners,

511 vs.

Sanitary Grocery Co., Inc.

Argument commenced by Mr. Belford V. Lawson, Jr., for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William H. King, It is ordered that Henry G. Wood, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. King, It is ordered that Stephen E. Rice, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morgan G. Sanders, It is ordered that Curtis E. Hill, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight B. Galt, It is ordered that Jesse C. Moore, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Merrell E. Clark, It is ordered that Alexander C. Neave, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Merrell E. Clark, It is ordered that John M. Anderson, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Thaddeus Clark, It is ordered that Frederic H. Chase, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Thaddeus Clark, It is ordered that Raymond F. Baldwin, Esquire, of Concord, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The New Negro Alliance, et al.,

Petitioners,

511 vs.

Sanitary Grocery Co., Inc.

Argument continued by Mr. Belford V. Lawson, Jr., for the Petitioners; by Mr. A. Coulter Wells for the Respondent; and concluded by Mr. Thurman L. Dodson for the Petitioners.

Pacific National Company,

Petitioner,

528 vs.

Galen H. Welch, Former Collector of Internal Revenue, etc.

Argued by Mr. Donald V. Hunter for the Petitioner and by Mr. Edward J. Ennis for the Respondent.

The United States,

Petitioner,

667 vs.

Harry A. Kaplan.

Argument commenced by Mr. Edward J. Ennis for the Petitioner and continued by Mr. Llewellyn A. Luce for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Quintin Paredes, It is ordered that Vincente L. Pastrana, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mahlon C. Masterson, It is ordered that Bernard Goodwin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Goodwin, It is ordered that Richard M. Nichols, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton Strasburger, It is ordered that Harold C. Jesse, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. C. Stanley, It is ordered that J W Jones, Esquire, of Lexington, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur D. Condon, It is ordered that

Leo Speer, Esquire, of Centerburg,
State of Ohio;

Herbert G. Potthoff, Esquire, of Galveston,
State of Texas;

Timothy C. Mooney, Esquire, of Washington,
District of Columbia;

William T. Speer, Esquire, of Washington,
District of Columbia;

Edward B. Wagner, Esquire, of Fort Plain,
State of New York;

Walter G. Silcox, Esquire, of Lowell,
State of Massachusetts;

Walter D. Perry, Esquire, of Washington,
District of Columbia;

J. Oliver Timpe, Esquire, of Washington,
District of Columbia;

Ira Willis Patterson, Esquire, of Columbus,
State of Indiana;

Otto H. Marquer, Esquire, of New York,
State of New York;

George E. Sutley, Esquire, of Washington,
District of Columbia;

Abraham W. Lilienthal, Esquire, of New York,
State of New York;

Arthur E. Otto, Esquire, of Washington,
District of Columbia;

Clyde Russell Maxwell, Esquire, of Chicago,
State of Illinois;

Lloyd Gerion Haag, Esquire, of Washington,
District of Columbia;

William Alexander Kluttz, Esquire, of Salisbury,
State of North Carolina;

Paul Joseph Ashe, Esquire, of Leominster,
State of Massachusetts;

Patrick F. Kerin, Esquire, of Washington,
District of Columbia;

Jules Felix Addor, Esquire, of Washington,
District of Columbia;

Wesley W. Coulliette, Esquire, of Marianna,
State of Florida;

William S. Donaldson, Esquire, of Washington,
District of Columbia;

Samuel Tilden Hazard, Esquire, of Chevy Chase,
State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The United States,

Petitioner,

667 vs.

Harry A. Kaplan.

Argument continued by Mr. Llewellyn A. Luce for the Respondent and concluded by Mr. Edward J. Ennis for the Petitioner.

State Farm Mutual Automobile
Insurance Company,

Petitioner,

519 vs.

James D. Coughran.

Argued by Mr. Joseph A. Spray for the Petitioner and by Mr. Raymond G. Stanbury for the Respondent.

General Electric Company,

Petitioner,

453 vs.

Wabash Appliance Corporation, et al.

Argument commenced by Mr. Merrell E. Clark for the Petitioner and continued by Mr. Samuel E. Darby, Jr., for the Respondents.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that John M. Reddy, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl I. Wheat, It is ordered that George Sloff, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Adrien F. Busick, It is ordered that Wm. G. Boatright, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Cantrel, It is ordered that Helmer Hansen, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Cantrel, It is ordered that Harry George Fins, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward First, It is ordered that Joseph First, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Stafford, It is ordered that William H. K. Davey, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Huston Thompson, Jr., It is ordered that Albert W. Froehde, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ennis, It is ordered that John C. Clancy, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. G. Howland Chase, 3rd, It is ordered that Samuel Lloyd, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. G. Carson, It is ordered that William Barclay Lex, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Beatrice A. Clephane, It is ordered that May T. Peacock, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Max Rhoade, It is ordered that Mordecai Monowitz, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ben S. Fisher, It is ordered that Dona Benjamin Heil, Esquire, of Spokane, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Honorable Robert H. Jackson, of New York, Solicitor General of the United States, was presented by Mr. Assistant Attorney General Morris, and it was ordered that his commission be recorded; said commission being in the words and figures following, viz:

"FRANKLIN D. ROOSEVELT,

PRESIDENT OF THE UNITED STATES OF AMERICA,

To all who shall see these Presents, Greeting:

KNOW YE; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of ROBERT H. JACKSON, of New York, I have nominated, and, by and with the advice and consent of the Senate, do appoint him SOLICITOR GENERAL, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said ROBERT H. JACKSON, during the pleasure of the President.

IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of

the Department of Justice to be hereunto affixed.

(S E A L)

Done at the City of Washington this fifth day of March, in the year of our Lord one thousand nine hundred and thirty-eight, and of the Independence of the United States of America the one hundred and sixty second.

FRANKLIN D. ROOSEVELT

By the President:

HOMER CUMMINGS

Attorney General."

Ticonic National Bank, Peoples-Ticonic National Bank, et al.,

Petitioners,

374 vs.

Lottie F. Sprague and Margaret Davis Sprague.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Maine.

Per Mr. Justice Reed.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

324 vs.

Charles E. Mitchell.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Brandeis.

Dissenting: Mr. Justice McReynolds.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

387 vs.

Bankline Oil Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the part of the judgment of the said Circuit Court of Appeals, in this cause, relating to the allowance for depletion with respect to gas produced from the oil and gas wells in question, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice McReynolds and Mr. Justice Butler concur in the result.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this case.

Bankline Oil Company,
Petitioner,
vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

308

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the part of the judgment of the said Circuit Court of Appeals, in this cause, relating to the non-exemption of the income of the petitioner derived from leases of petitioner on state owned tide lands be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

Mr. Justice McReynolds and Mr. Justice Butler concur in the result.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,
Petitioner,
vs.
Thomas A. O'Donnell.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

406

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

446 vs.

Elbe Oil Land Development Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

600 vs.

Mountain Producers Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this case.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice Reynolds concurs.

The Chief Justice announced the following orders of the Court:

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John E. Groves and Mary E. Stanton, Appellants, vs. Board of Education of the City of Chicago. — Appeal from the Supreme Court of the State of Illinois.

753

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed (1) for the want of a final judgment; (2) for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Sidney S. Adler, et al., Appellants, vs. The City of Cincinnati, Henry Urner, as Auditor of the City of Cincinnati, et al. — Appeal from the Supreme Court of the State of Ohio.

778

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

The Kansas Farmers Union Royalty Company and the Flag Oil Company,

Appellants,

366 vs.

Ira Shaffer, Executor, and Ira Shaffer and Ferrol Fairchild, Devisees, etc.

ON CONSIDERATION of the motion of Appellants to reinstate this case for further consideration,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Kansas Farmers Union Royalty Company and the Flag Oil Company,

Appellants,

366 vs.

Ira Shaffer, Executor and Ira Shaffer and Ferrol Fairchild, Devisees, etc.

Appeal from the Supreme Court of the State of Kansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Hughes.

Eugene Szold, Appellant, vs. Outlet Embroidery Supply Co., Inc. — Appeal from the Supreme Court of the State of New York.

427

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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In the Matter of C. L. Kagey.

It appearing to the Court that C. L. Kagey, a member of the Bar of this Court, had failed to answer or respond to five letters sent him by the Clerk of this Court under dates of October 15, 1937, November 23, 1937, December 3, 1937, December 18, 1937, and January 29, 1938, with respect to a deposit for the payment of costs in the case of Kench v. McDonald, No. 510, October Term, 1937; and a rule having issued February 7, 1938, directing him to show cause why he should not be disbarred from the practice of the law in this Court for conduct unbecoming a member of the Bar of this Court; and C. L. Kagey having made return to the rule, apologizing for his neglect;

IT IS ORDERED that the Respondent, C. L. Kagey, be, and he is hereby, reprimanded for unjustified failure in a duty owed by him as a member of the Bar of this Court to respond to communications addressed to him by the Clerk of this Court pertaining to the business of this Court;

AND IT IS FURTHER ORDERED that the rule to show cause aforesaid be, and it is hereby, discharged.

Per Mr. Chief Justice Hughes.

Ex Parte Howard Lee,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied, without prejudice to appropriate application for review of the judgment of the Supreme Court of the State of California on writ of certiorari or appeal.

Per Mr. Chief Justice Hughes.

Edson M. Walker,

Petitioner,

687 vs.

The United States of America;

John H. Drummond,

Petitioner,

688 vs.

The United States of America;

John A. Luteran,

Petitioner,

689 vs.

The United States of America;

Frank H. Adams,

Petitioner,

690 vs.

The United States of America;

Lorne E. Wells,

Petitioner,

691 vs.

The United States of America;

Joe R. Wells, Jr.,

Petitioner,

692 vs.

The United States of America;

Leo B. Roach,

Petitioner,

693 vs.

The United States of America;

John T. Little,

Petitioner,

694 vs.

The United States of America;

Gilbert Stevens,

Petitioner,

695 vs.

The United States of America;

Forest C. Holman,

Petitioner,

696 vs.

The United States of America;

George Neeper,

Petitioner,

697 vs.

The United States of America; and

Frank Ditsch,

Petitioner,

698 vs.

The United States of America.

ON CONSIDERATION of the motion to withhold the orders denying petition for writs of certiorari in these cases pending the filing and decision of a petition for rehearing,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Phillip John Pratt,

Petitioner,

719 vs.

The United States of America.

ON CONSIDERATION of the motion to withhold the order denying the petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Denver Union Stock Yard Company,

Appellant,

798 vs.

The United States of America and
Secretary of Agriculture.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

International Ladies' Garment Workers' Union, etc., et al.,

Appellants,

801 vs.

Donnelly Garment Company, et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Robert A. Taft, Executor of the Estate of Anna S. Taft, Deceased,

Petitioner,

Order allowing certiorari.

746 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Federal Trade Commission,

Petitioner,

Order allowing certiorari.

756 vs.

The Goodyear Tire & Rubber Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Reed took no part in the consideration or decision of this application.

Harold E. Klipstein, Trustee of Dearborn Manufacturing Corporation, Bankrupt,
Petitioner,
737 vs.
William Davidowicz, Elmer F. Andrews and the Industrial Commissioner of the State of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Louis H. Pink, Superintendent of Insurance of the State of New York,
Petitioner,
741 vs.
S. Wallace Dempsey.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

S. Wallace Dempsey,
Petitioner,
767 vs.
Louis H. Pink, Superintendent of Insurance of the State of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Union Stock Yards Company, Inc., Petitioner, vs. T. G. Inghram, Doing Business as T. G. Inghram & Son and Record Livestock Commission Company.

742

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David Rabinovitz, Petitioner, vs. Charles T. Oughton, Trustee of Estate of Romley Clothes, Inc., in Bankruptcy.

747

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Reginald E. Phillips, an Insane Person, by the Trust Company of Chicago, His Conservator, Petitioner, vs. The United States of America.

750

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Nashville, Chattanooga & St. Louis Railway,

Petitioner,

751 vs.

Railway Employees' Department of the American Federation of Labor, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Leo Awotin,

Petitioner,

754 vs.

Daniel M. Healy, Individually and as Liquidator of the Atlas Exchange National Bank of Chicago, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jean Annett,

Petitioner,

755 vs.

The New York, New Haven and Hartford Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ned R. Harmon,

Petitioner,

433 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

The Court will take a recess from Monday, March 14, until Monday, March 28, next.

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State of Oklahoma, upon the relation of Howard C. Johnson,

Plaintiff,

—, Original. vs.

R. M. Cook.

Return to rule to show cause presented.

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General Electric Company,

Petitioner,

453 vs.

Wabash Appliance Corporation, et al.

Argument continued by Mr. Samuel E. Darby, Jr., for the Respondent and concluded by Mr. Merrell E. Clark for the Petitioner.

Santa Cruz Fruit Packing Company,

Petitioner,

536 vs.

National Labor Relations Board.

Argued by Mr. J. Paul St. Sure for the Petitioner and by Mr. Charles Fahy for the Respondent.

Frederick S. Deitrick, Receiver, etc., et al.,

Petitioners,

455 vs.

Standard Surety & Casualty Co. of New York.

Argument commenced by Mr. George P. Barse for the Petitioners and continued by Mr. Frederic M. Chase and Mr. Raymond P. Baldwin for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that William George Gardiner, Esquire, of St. Petersburg, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that Herman Oliphant, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that Ira C. Rothgerber, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Bankhead, 2nd., It is ordered that Gessner T. McCorvey, Esquire, of Mobile, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that Philip Sheridan McNally, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that Fenelon Boesche, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard M. Long, It is ordered that Abraham E. Freedman, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurman Wright, It is ordered that Elmer E. Metz, Esquire, of Lansing, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl E. Mapes, It is ordered that George C. Brown, Esquire, of Grand Rapids, State od Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Frederick S. Deitrick, Receiver,
etc., et al.,

Petitioners,

455 vs.

Standard Surety & Casualty Co.
of New York.

Argument continued by Mr. Raymond P. Baldwin for the Respondent and concluded by Mr. Robert S. Goodwin for the Petitioners.

D. B. Heiner, Individually and as Former Collector of Internal Revenue, etc.,

Petitioner,

144 vs.

Paul Mellon, et al., Executors, etc.; and

D. B. Heiner, Individually and as Former Collector of Internal Revenue, etc.,

Petitioner,

145 vs.

Jennie King Mellon, et al., etc.

Argued by Mr. Assistant Solicitor General Bell for the Petitioner and by Mr. John G. Frazer for the Respondents.

Harvey S. Adams, Receiver, etc.,

Petitioner,

123 vs.

Geneva M. Nagle, et al.; and

Harvey S. Adams, Receiver, etc.,

Petitioner,

124 vs.

J. Edwin Tobias, et al.

Reargument commenced by Mr. Charles E. Wainwright for the Petitioner and continued by Mr. Lemuel B. Schofield for the Respondents.

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Eugene J. Keogh, It is ordered that Michael S. McPhillips, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Waddell, It is ordered that Raymond R. Tanner, Esquire, of Winchester, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Blair, It is ordered that Lloyd R. Koenig, Esquire, of St. Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew J. Haley, It is ordered that Robert F. Fenton, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Sachs, It is ordered that John L. Evans, Sr., Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George W. Dalzell, It is ordered that F. Wizell Wilson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charlton Ogburn, It is ordered that Carol Clement Johnson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel B. Pettengill, It is ordered that Orlo R. Deahl, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Harvey S. Adams, Receiver, etc.,
Petitioner,
123 vs.
Geneva M. Nagle, et al.; and

Harvey S. Adams, Receiver, etc.,
Petitioner,
124 vs.
J. Edwin Tobias, et al.

Reargument continued by Mr. L. B. Schofield for the Respondents and concluded by Mr. George P. Barse for the Petitioner.

Edith Huggard Sharp, et al.,

Petitioners,

558 vs.

Commissioner of Internal Revenue.

Argued by Mr. William Barclay Lex for the Petitioners and by Mr. A. P. Prescott for the Respondent.

Millar Brainard,

Petitioner,

633 vs.

Commissioner of Internal Revenue.

Argued by Mr. John E. Hughes for the Petitioner and by Mr. A. P. Prescott for the Respondent.

The United States of America,

Petitioner,

563 vs.

L. Manuel Hendler, as Transferee of Creameries, Inc., etc.

Argued by Mr. J. Louis Monarch for the Petitioner and by Mr. William R. Semans and Mr. Randolph Barton, Jr., for the Respondent.

Calmar Steamship Corporation,

Petitioner,

594 vs.

Charles W. Taylor.

Argued by Mr. Frank A. Bull for the Petitioner and by Mr. Abraham E. Freedman for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Horace Russell, It is ordered that John G. Ross, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. Bruce, It is ordered that Peter C. Luginbuhl, Esquire, of Bluffton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Millar Brainard,

Petitioner,

633 vs.

Commissioner of Internal Revenue.

Motion to dismiss submitted by Mr. John E. Hughes for the Petitioner in support of the motion, and by Mr. A. F. Prescott for the Respondent in opposition thereto.

The State of Oklahoma, upon the relation of Howard C. Johnson, Bank Commissioner,

Plaintiff,

—, Original. vs.

R. M. Cook.

Motion for leave to file reply to return to rule to show cause submitted by Mr. Francis C. Brown for the Plaintiff.

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John G. Ruhlin, et al.,

Petitioners,

596 vs.

New York Life Insurance Company.

Argued by Mr. Charles H. Sachs for the Petitioners and by Mr. William H. Eckert for the Respondent.

Lincoln Engineering Company of Illinois,

Petitioner,

608 vs.

Stewart-Warner Corporation.

Argued by Mr. Leonard L. Kalish for the Petitioner and by Mr. Lynn A. Williams for the Respondent.

Fred O. Morgan, doing business as Fred O. Morgan Sheep Commission Company, et al.,

Appellants,

581 vs.

The United States of America, et al.

Argument commenced by Mr. Frederick H. Wood for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that James Cicero Wilson, Esquire, of Bethany, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Roland Kinzer, It is ordered that Paul A. Mueller, Esquire, of Lancaster, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew D. Sharpe, It is ordered that Myron D. Alexander, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert E. Steinem, It is ordered that Walter Hanstein, Esquire, of Atlantic City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert E. Steinem, It is ordered that Harry Saidman, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwd. Seaburn Brashears, It is ordered that George D. Sullivan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwd. Seaburn Brashears, It is ordered that J. Minian Beall, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Horton, It is ordered that Wm. B. Woods, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Fred O. Morgan, doing business as Fred O. Morgan Sheep Commission Company, et al.,

Appellants,

581 vs.

The United States of America, et al.

Argument continued by Mr. Frederick H. Wood for the Appellants; by Mr. Solicitor General Jackson and Mr. Wendell Berge for the Appellees; and concluded by Mr. John B. Gage for the Appellants.

Bates Manufacturing Company,

Petitioner,

647 vs.

The United States of America.

Argued by Mr. Charles B. Rugg for the Petitioner and by Mr. Norman D. Keller for the Respondent.

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Proclamation being made the Court is adjourned until Monday, March 14, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that Shelby Fitze, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Daniel A. Reed, It is ordered that James Theodore Moses, Esquire, of North Tonawanda, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert Edward Carter, It is ordered that Alan W. Davidson, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter C. Clephane, It is ordered that William L. Beers, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. Baxter Milne, It is ordered that B. P. Harrison, Esquire, of Winchester, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Chester Bordeau, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America, Petitioner, vs. Robert K. Wurts. 499

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

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Kansas Gas and Electric Company,
Appellant,

817 vs.

City of McPherson, Kansas, and E. C. Crary, Mayor, et al.

Appeal from the Supreme Court of the State of Kansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

John Hering and Ella Hering, Individually, and Alma Hering and Vivian Hering, by John Hering, Their Next Friend,
Appellants,

822 vs.

State Board of Education of the State of New Jersey.

Appeal from the Court of Errors and Appeals of the State of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Errors and Appeals of the State of New Jersey, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Edith Huggard Sharp, Charles C. Norris, Jr. and Fidelity-Philadelphia Trust Company, Executors, etc.,

Petitioners,

vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

558

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Jesse C. Duke,

Petitioner,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Nat J. Humphries,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Oklahoma, Upon the Relation of Howard C. Johnson, Bank Commissioner,

Plaintiff,

—, Original. vs.

R. M. Cook.

ON CONSIDERATION of the motion of counsel for the Plaintiff for leave to file a reply to the return to the rule to show cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that said reply be filed on or before Friday, March 25, next.

Per Mr. Chief Justice Hughes.

Millar Brainard,

Petitioner,

633 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE having been called to the attention of the Court by Mr. John W. Hughes, counsel for the petitioner, and he having submitted a motion to dismiss the writ of certiorari in this cause;

THEREFORE, in pursuance of said motion, it is ordered by this Court that the writ of certiorari herein be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Lone Star Gas Company,

Appellant,

313 vs.

The State of Texas, et al.

ON CONSIDERATION of the motion of the Appellees to dismiss the appeal herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Dowling,

Petitioner,

827 vs.

The Western Union Telegraph Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Dowling,

Petitioner,

827 vs.

The Western Union Telegraph Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Aetna Insurance Company,

Petitioner,

773 vs.

United Fruit Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Union Marine & General Insurance Company, Ltd., Formerly Union Marine Insurance Company, Ltd.,

Petitioner,

774 vs.

United Fruit Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Boston Insurance Company,

Petitioner,

775 vs.

United Fruit Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

John G. Murphy,

Petitioner,

726 vs.

Fred G. Zerbst, Warden, United States Penitentiary.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

International Manufacturers Sales Company of America, Inc., A. S. Postnikoff, Trustee,

Petitioner,

740 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Washington by William H. Pemberton, Supervisor of the Inheritance Tax and Escheat Division,

Petitioner,

744 vs.

Agnes A. McGrath, as the Executrix of the Estate of William A. McGrath, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Atlantic Coast Line Railroad Company, Petitioner,
752 vs.
Thomas M. Batton.

On petition for writ of certiorari to the Supreme Court of the State of North Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of North Carolina, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alphonse Capone, Petitioner,
758 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Leon Richard Smith, etc., et al., Petitioners,
759 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

London & Provincial Marine & General Insurance Company, Ltd.,

Petitioner,

763 vs.

Kentucky Macaroni Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Royal Insurance Company, Ltd.,

Petitioner,

764 vs.

Kentucky Macaroni Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Salt Lake County,

Petitioner,

765 vs.

Utah Copper Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milton A. Stein, Trustee in Bankruptcy of the Estate of Morris Leibowitt,

Petitioner,

766 vs.

Morris Leibowitt, Bankrupt and Prudential Insurance Company of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ella Pickett,

Petitioner,

776 vs.

Louis G. Trixler, Receiver of Howard National Bank of Kokomo, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Marshall County Bank,

Petitioner,

793 vs.

Mary K. Crowther.

On petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the State of West Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

St. Paul Fire & Marine Insurance Company,

Petitioner,

794 vs.

Kaufman Compress Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Concrete Expansion Joint Company and Knapp Brothers Manufacturing Company,

Petitioners,

795 vs.

Highway Appliances Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George P. Livermore,

Petitioner,

804 vs.

Mandeville & Thompson, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert Gage and William Elliott, as Receivers of Peoples State Bank of South Carolina,

Petitioners,

819 vs.

Roy E. Leonard, as Receiver of the National Exchange Bank of Chester, South Carolina, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United Gas Public Service Company,

Appellant,

13 vs.

State of Texas, Mrs. Miriam A. Ferguson, Former Governor of Texas, et al.

IT IS ORDERED that the opinion in this cause be amended by striking out the period after the words "and return" in line 3, on page 14, and inserting the words 'for the period to which the evidence before the Court appropriately related and not simply for the years 1932 and 1933."

Per Mr. Chief Justice Hughes.

United Gas Public Service Company,

Appellant,

13 vs.

State of Texas, Mrs. Mirian A. Ferguson, Former Governor of Texas, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

South Carolina State Highway Department, et al.,

Appellants,

161 vs.

Barnwell Brothers, Inc., et al.

IT IS ORDERED that the opinion in this cause be amended by substituting for the words "But as the district court held," in the last sentence of the last full paragraph on page 4 of the opinion, the following words: "But appellees do not challenge here the ruling of the district court that."

Per Mr. Chief Justice Hughes.

South Carolina State Highway Department, et al.,

Appellants,

161 vs.

Barnwell Brothers, Inc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wabash Appliance Corporation, et al.,

Petitioners,

712 vs.

General Electric Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Laura G. Foster, as Executrix, etc.,

Petitioner,

469 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr.Chief Justice Hughes.

The Schriber-Schroth Company,

Petitioner,

674 vs.

The Cleveland Trust Company,
Chrysler Corporation;

The Aberdeen Motor Supply Company,

Petitioner,

675 vs.

The Cleveland Trust Company,
Chrysler Corporation; and

The F. E. Rowe Sales Company,

Petitioner,

676 vs.

The Cleveland Trust Company,
Chrysler Corporation.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

In view of pending legislation General Order No. LIII in Bankruptcy is hereby suspended until further order of the Court.

Per Mr. Chief Justice Hughes.

Ex Parte Albert H. House, .

Petitioner.

—, Original.

Return to rule to show cause presented.

Proclamation being made the Court is adjourned until Monday, March 28, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Joseph W. Hutchinson, It is ordered that A. J. Stevenson, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Davis, It is ordered that Ralph M. Carson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Davis, It is ordered that G. Campbell Becket, Esquire, of Salisbury, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Fromberg, It is ordered that Fred S. Weitzner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Fromberg, It is ordered that Henry Lichtig, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herron C. Pearson, It is ordered that John Basil Preston, Esquire, of Springfield, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward C. Finney, It is ordered that Wm. L. Holloway, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ennis, It is ordered that John A. Sullivan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ennis, It is ordered that Harold W. Conroy, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Bowers Campbell, It is ordered that Guy Knupp, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that Warner W. Gardner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Davis, It is ordered that Allen W. Dulles, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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New York Rapid Transit Corporation, Appellant, vs. The City of New York. — Appeal from the Supreme Court of the State of New York.

435

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Mr. Justice Cardozo and Mr. Justice Stone took no part in the consideration or decision of this case.

Brooklyn and Queens Transit Corporation, Appellant, vs. The City of New York. — Appeal from the Supreme Court of the State of New York.

436

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Mr. Justice Cardozo and Mr. Justice Stone took no part in the consideration or decision of this case.

The United States of America,
Petitioner,
563 vs.
L. Manuel Hendler, as Transferee of Creameries, Inc., etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Maryland for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Bates Manufacturing Company,
Petitioner,
647 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Harvey S. Adams, Receiver, Penn National Bank and Trust Company of Reading, Pennsylvania,

Petitioner,

123 vs.

Geneva M. Nagle, Ralph S. Hill, James H. Pengelly and William M. Mayer.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania with instructions to dismiss the bill of complaint.

Per Mr. Justice Roberts.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Harvey S. Adams, Receiver, Reading National Bank and Trust Company of Reading, Pennsylvania,

Petitioner,

124 vs.

J. Edwin Tobias, Ralph S. Hill, and Oscar P. Smith.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania with instructions to dismiss the bill of complaint.

Per Mr. Justice Roberts.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Lincoln Engineering Company of Illinois,

Petitioner,

608 vs.

Stewart-Warner Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Chief Justice Hughes and Mr. Justice Cardozo took no part in the consideration or decision of this case.

The New Negro Alliance, et al.,

Petitioners,

511 vs.

Sanitary Grocery Co., Inc.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice McReynolds in which Mr. Justice Butler joins.

Guaranty Trust Company of New York, Executor, Estate of Lamar L. Fleming, Deceased,

Petitioner,

301 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Stone.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Dissenting: Mr. Justice McReynolds and Mr. Justice Roberts.

The United States of America,

Petitioner,

487 vs.

James E. O'Donnell, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Calmar Steamship Corporation,
Petitioner,
vs.
Charles W. Taylor.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

594

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania for further proceedings in conformity with the opinion of this Court, and without prejudice to any later suit by respondent to recover maintenance and cure to which he may then be entitled.

Per Mr. Justice Stone.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Black.

Frederick S. Deitrick, Receiver of the Boston-Continental National Bank, et al.,
Petitioners,
vs.
Standard Surety & Casualty Co. of New York.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

455

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts.

Per Mr. Justice McReynolds.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed concurs.

State Farm Mutual Automobile Insurance Company,

Petitioner,

519 vs.

James D. Coughran.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California with instructions to enter judgment for the Insurance Company.

Per Mr. Justice McReynolds.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Electric Bond and Share Company, American Gas and Electric Company, et al.,

Petitioners,

636 vs.

Securities and Exchange Commission, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this case.

Dissenting: Mr. Justice McReynolds.

Alma Lovell, Appellant, vs. The City of Griffin. — Appeal from the Court of Appeals of the State of Georgia.

391

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of Georgia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

Santa Cruz Fruit Packing Company, Petitioner, vs. National Labor Relations Board. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

536

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this case.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

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The Chief Justice announced the following order of the Court:

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Edgar Brothers Company,

Appellant,

840 vs.

State Revenue Commission of Georgia, et al.

Appeal from the Supreme Court of the State of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a final judgment.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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James Martin Kirkpatrick,

Petitioner,

857 vs.

E. H. Hardt.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied for the reason that the application for writ of certiorari was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

James Martin Kirkpatrick,
Petitioner,
857 vs.
E. H. Hardt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied for the reason that the application for writ of certiorari was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

State of Oklahoma Upon the Relation of Howard C. Johnson, Bank Commissioner,
Plaintiff,
—, Original. vs.
R. M. Cook.

This case is set for argument on the rule to show cause why leave to file the complaint should not be granted and assigned for Monday, April 25, next.

Per Mr. Chief Justice Hughes.

Ex Parte Albert R. House,
Petitioner.
—, Original.

On motion for leave to file petition for writ of habeas corpus and on rule to show cause thereupon issued.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus and the return to the rule to show cause;

IT IS ORDERED by this Court that the rule to show cause herein be discharged and that the motion for leave to file a petition for writ of habeas corpus be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Silvershirt Legion of America, Inc., et al.,

Petitioners,

— vs.

The Committee on Education and Labor of the United States Senate, et al.

ON CONSIDERATION of the application for preliminary injunction pending application for writ of certiorari in this cause,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Allen Pope,

Petitioner,

847 vs.

The United States.

ON CONSIDERATION of the motion to remand this case to the Court of Claims for further findings,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Allen Pope,

Petitioner,

847 vs.

The United States.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Allen Pope,
Petitioner,
847 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

E. R. Lindsey and Elbert B. Lindsey,
Petitioners,
853 vs.
State of Washington.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

E. R. Lindsey and Elbert B. Lindsey,
Petitioners,
853 vs.
State of Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas Jordon,

Petitioner,

875 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas Jordon,

Petitioner,

875 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rolla W. Coleman, W. A. Barron, Claude C. Bradney, et al.,

Petitioners,

796 vs.

Clarence W. Miller, as Secretary of the Senate of the State of Kansas, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Kansas is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Great Northern Railway Company
and George Pappas,
Petitioners,
Order allowing certiorari.

802 vs.

George Leonidas.

The petition herein for a writ of certiorari to the Supreme Court of the State of Montana is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guaranty Trust Company of New York,
Executor of the Estate of Mary T.
Ryan, Deceased,
Petitioner,
Order allowing certiorari.

811 vs.

Commonwealth of Virginia.

The petition herein for a writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

George E. Valli, Angelo Bacchi
and Samuel Goldstein,
Petitioners,
Order allowing certiorari.

814 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,

Petitioner,

Order allowing certiorari.

782 vs.

Sherman Kidwell.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,

Petitioner,

Order allowing certiorari.

783 vs.

Dewey Smith.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,

Petitioner,

Order allowing certiorari.

784 vs.

Allen Collins.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,

Petitioner,

785 vs.

Walter Owens.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,

Petitioner,

786 vs.

Frank Peel.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,

Petitioner,

787 vs.

Bennie Jones.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,
Petitioner,

788 vs.

Henry Stone.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,
Petitioner,

789 vs.

Jeffie D. Sullivan.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

People of the State of New York, ex rel. Paul Kurzynski,
Petitioner,

678 vs.

William Hunt, as Warden of Attica State Prison, Attica, New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bankers Life Company,
Petitioner,
797 vs.
City of Littlefield, Texas, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Century Productions, Inc., Samuel Cummins, Empire Laboratories, Inc., et al.,
Petitioners,
800 vs.
Frederick Beck Patterson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mechanical Manufacturing Company,
Petitioner,
803 vs.
MacAndrews & Forbes Company.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wellborn Clark Phillips,
Petitioner,
807 vs.
Tarrier Company of Delaware.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Missouri Broadcasting Corporation,
Petitioner,
808 vs.
Federal Communications Commission,
Star-Times Publishing Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Royal Insurance Company, Ltd.,
Petitioner,
806 vs.
Robert A. Smith.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

809 vs.

The National Cash Register Company.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

810 vs.

West Publishing Company.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mercantile-Commerce Bank and Trust Company, et al.,

Petitioners,

812 vs.

The Department of Financial Institutions of the State of Indiana, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mercantile-Commerce Bank and Trust Company, et al.,

Petitioners,

813 vs.

The Department of Financial Institutions of the State of Indiana, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Terminal Railroad Association of St. Louis,

Petitioner,

816 vs.

Anthony Mrazek.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Roger Touhy,

Petitioner,

830 vs.

Joseph E. Ragen, Warden, Statesville Penitentiary.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The East Ohio Gas Company,
Petitioner,
836 vs.
City of Cleveland.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles Paridy,
Petitioner,
790 vs.
Caterpillar Tractor Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration or decision of this application.

Selden R. Glenn, Individually and as Collector of Internal Revenue for the Collection District of Kentucky.
Petitioner,
599 vs.
C. H. Smith.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

Mrs. Inez Abel and Louise Abel,

Petitioners,

434 O.T. 1936 vs.

Ed Kennedy and Illinois Central Railroad Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry T. Clarke, Trustee,

Petitioner,

635 vs.

Chicago, Burlington & Quincy Railroad Co.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edson M. Walker,

Petitioner,

687 vs.

The United States of America;

John H. Drummond,

Petitioner,

688 vs.

The United States of America;

John A. Luteran,

Petitioner,

689 vs.

The United States of America;

Frank H. Adams,

Petitioner,

690 vs.

The United States of America;

Lorne E. Wells,

Petitioner,

691 vs.

The United States of America;

Joe R. Wells, Jr.,

Petitioner,

692 vs.

The United States of America;

Leo B. Roach,

Petitioner,

693 vs.

The United States of America;

John T. Little,

Petitioner,

694 vs.

The United States of America;

Gilbert Stevens,

Petitioner,

695 vs.

The United States of America;

Forest C. Holman,

Petitioner,

696 vs.

The United States of America;

George Neeper,

Petitioner,

697 vs.

The United States of America; and

Frank Ditsch,

Petitioner,

698 vs.

The United States of America.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George T. Simpson, et al.,

Petitioners,

791 vs.

John A. Dyer, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Mike J. Lindway,

Petitioner.

—, Original.

Motion for leave to file petition for writ of habeas corpus submitted by Mr. Morris H. Wolf for the Petitioner.

Guaranty Trust Company of New York,

Petitioner,

566 vs.

The United States of America.

Motion for leave to file brief of the Association of American Creditors of Russia as amicus curiae submitted by Mr. Allen W. Dulles in that behalf.

Guaranty Trust Company of New York,

Petitioner,

566 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file brief of the Association of American Creditors of Russia as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Hiram Steelman, Trustee, etc.,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus submitted by Mr. Wm. Elmer Brown, Jr., for the Petitioner.

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Ex Parte Arthur Dean Richmond,

Petitioner.

—, Original.

Motion for leave to file petition for writ of certiorari submitted by Mr. Elmer McClain, Mr. William Lemke, and Mr. Samuel E. Cook for the Petitioner.

State of Missouri,

Complainant,

16, Original. vs.

State of Iowa.

Answer of the Defendant presented.

Elizabeth E. Massey,

Petitioner,

841 vs.

Farmers & Merchants National Bank & Trust Company of Winchester, Virginia, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this cause,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Elizabeth E. Massey,

Petitioner,

842 vs.

Farmers & Merchants National Bank & Trust Company of Winchester, Virginia, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this cause,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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Lone Star Gas Company,

Appellant,

313 vs.

State of Texas, The Railroad Commission of Texas, et al.

Three hours allowed for oral argument.

Argument commenced by Mr. Charles L. Black for the Appellant; continued by Mr. Alfred M. Scott and Mr. Edward H. Lange for the Appellee; and concluded by Mr. Marshall Newcomb for the Appellant.

Leave granted Appellees to file additional brief within five days.

Guaranty Trust Company of New York,

Petitioner,

566 vs.

The United States of America.

Three hours allowed for oral argument.

Argument commenced by Mr. John W. Davis for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, MARCH 29, 1938.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George H. Mahon, It is ordered that Jas. H. Beall, Jr., Esquire, of Sweetwater, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Jenkins, It is ordered that Robert W. Newlon, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ross A. Collins, It is ordered that Joseph J. Smith, Jr., Esquire, of Meridian, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Dondero, It is ordered that Harry L. Meyers, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel B. Pettengill, It is ordered that Albert Stump, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel B. Pettengill, It is ordered that J. Thos. Ward, Esquire, of West College Corner, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Fitts, It is ordered that Russell L. Snodgrass, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Q. Tilson, It is ordered that Arthur Klein, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Heath, It is ordered that Wm. G. Maupin, Esquire, of Norfolk, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George R. Vallance, It is ordered that Gilbert R. Johnson, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Peyton R. Evans, It is ordered that William Edward Rhea, Esquire, of St. Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. Bruce, It is ordered that Norman A. Deveney, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. Bruce, It is ordered that Jerome G. Kaufman, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry T. Ice, It is ordered that Warrack Wallace, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guaranty Trust Company of New York,

Petitioner,

566 vs.

The United States of America.

Argument continued by Mr. John W. Davis for the Petitioner; by Mr. Assistant Attorney General Whitaker for the Respondent; and concluded by Mr. John W. Davis for the Petitioner.

Leave granted Petitioner to file additional brief within five days.

Joe Hale,

Petitioner,

680 vs.

Commonwealth of Kentucky.

Argued by Mr. Charles H. Houston and Mr. Leon A. Ransom for the Petitioner and by Mr. A. E. Funk for the Respondent.

The United States of America and
Interstate Commerce Commission,

Appellants,

514 vs.

Pan American Petroleum Corporation,
et al.; and

The United States of America and
Interstate Commerce Commission,

Appellants,

530 vs.

Humble Oil & Refining Company, et al.

Argument commenced by Mr. Daniel W. Knowlton for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, MARCH 30, 1938.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis E. Leech, It is ordered that Richard G. Raduo, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth R. Parkinson, It is ordered that Truman R. Young, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Kimball, It is ordered that Allen Prewitt, Esquire, of Frankfort, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Kimball, It is ordered that W. J. Brennan, Esquire, of Cistersville, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America and
Interstate Commerce Commission,

Appellants,

514 vs.

Pan American Petroleum Corporation,
et al.; and

The United States of America and
Interstate Commerce Commission,

Appellants,

530 vs.

Humble Oil & Refining Company, et al.

Argument continued by Mr. Daniel W. Knowlton for the Appellants; by Mr. John S. Burchmore and Mr. Luther M. Walter for the Appellees; and concluded by Mr. Daniel W. Knowlton for the Appellants.

Baltimore and Ohio Railroad Company,
et al.,

Appellants,

638 vs.

The United States of America, et al.

Argued by Mr. Leo P. Day for the Appellants; by Mr. J. Stanley Payne for the Appellees, United States and Interstate Commerce Commission; and by Mr. J. V. Norman for Appellee, Alabama Iron and Steel Shippers Conference; and case submitted by Mr. William H. Swiggart, Mr. Charles Clark and Mr. Elmer A. Smith for Appellees, Cincinnati, New Orleans & Texas Pacific Railway Co., et al.

J. D. Adams Manufacturing Company,

Appellant,

641 vs.

William Storen, as Chief Administrative Officer of the Department of Treasury for the State of Indiana.

Argument commenced by Mr. Frederick E. Matson for the Appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Roy A. Rogers, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Otis L. Mohundro, It is ordered that Leo W. Cunningham, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Otis L. Mohundro, It is ordered that Bertie E. Tubaugh, of Falls Church, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Otis L. Mohundro, It is ordered that Roy L. Burge, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that Louis W. Myers, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that Homer I. Mitchell, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Otis L. Mchundro, It is ordered that Ralph Pierce, Esquire, of West Falls Church, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred Evan Reames, It is ordered that Arthur M. McMahon, Esquire, of Albany, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred Evan Reames, It is ordered that Austin F. Flegel, Jr., Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George D. O'Brien, It is ordered that George S. Sadowski, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George D. O'Brien, It is ordered that Arthur A. Moscinski, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Byron B. Harlan, It is ordered that Anthony A. McCarthy, Esquire, of Dayton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Jenkins, It is ordered that Roy Leslie Henry, Esquire, of Ironton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J W Jones, It is ordered that Frank S. Ginocchio, Esquire, of Lexington, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wear K. Schoonover, It is ordered that William Jacob Schoonover, Esquire, of Pocahontas, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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J. D. Adams Manufacturing Company,

Appellant,

641 vs.

William Storen, as Chief Administrative Officer of the Department of Treasury of the State of Indiana.

Argument continued by Mr. Frederick E. Matson and Mr. Harry T. Ice for the Appellant; by Mr. A. C. Stevenson for the Appellees; and concluded by Mr. Joseph P. McNamara for the Appellees.

Arkansas Louisiana Gas Company,

Appellant,

645 vs.

Department of Public Utilities,
Thomas Fitzhugh, et al.

Argued by Mr. H. C. Walker, Jr., for the Appellant and by Mr. Thomas Fitzhugh and Mr. John E. Benton for the Appellees.

The United States,

Petitioner,

668 vs.

Shoshone Tribe of Indians of the
Wind River Reservation in Wyoming.

Four hours allowed for oral argument.

Argument commenced by Mr. Assistant Attorney General McFarland for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.
Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that William R. Lupton, Esquire, of Lockport, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that W. Coburn Cook, Esquire, of Markleeville, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marvin Jones, It is ordered that John Wendell Beveridge, Esquire, of Borger, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gustave Miller, It is ordered that Abraham Chasanow, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. J. Bourg, It is ordered that Robert Roberts, Jr., Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. E. Wellford, It is ordered that Albert E. Conradis, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Wilmer, It is ordered that John W. Dragun, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Lincoln Engineering Company of Illinois,

Petitioner,

608 vs.

Stewart-Warner Corporation.

Motion that the mandate issue forthwith and in the alternative to suspend the injunction or for leave to apply to the District Court to suspend the injunction submitted by Mr. Leonard L. Kalish for the Petitioner.

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The United States,

Petitioner,

668 vs.

Shoshone Tribe of Indians of the Wind River Reservation in Wyoming.

Argument continued by Mr. Assistant Attorney General McFarland for the Petitioner; by Mr. George M. Tunison for the Respondent; and concluded by Mr. Albert W. Jefferis for the Respondent.

The United States,

Appellant,

707 vs.

The Klamath and Modoc Tribes and
Yahooskin Band of Snake Indians.

Argument commenced by Mr. Assistant Attorney General McFarland for the Appellant.

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Proclamation being made the Court is adjourned until Monday, April 4, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Harold G. Hosier, It is ordered that John Dale McNamar, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Ransom L. Arnold, Esquire, of Wichita, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Norman Hamilton, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Richard F. Bailey, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles F. McLaughlin, It is ordered that Luther C. Martin, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Cushman B. Bissell, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lee B. Kemon, It is ordered that Elwin A. Andrus, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard W. Kacy, It is ordered that Arthur S. Lytton, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Milton Coverdale, Sheriff and Ex-Officio Tax Collector,

Appellant,

458 vs.

Arkansas-Louisiana Pipe Line Company.

Appeal from the District Court of the United States for the Western District of Louisiana.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Louisiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Dissenting: Mr. Justice McReynolds.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

John N. Shannahan and Claude J. Jackson, as Trustees of the Property of Chicago, South Shore and South Bend Railroad, et al.,

Appellants,

502 vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Northern District of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Indiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Brandeis.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

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The Chief Justice announced the following orders of the Court:

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William Heller,

Appellant,

871 vs.

State of Connecticut.

Appeal from the Supreme Court of Errors of the State of Connecticut.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of Errors of the State of Connecticut, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

W. S. Allbritton, et al., Appellants, vs. City of Winona, Mississippi. — Appeal from the Supreme Court of the State of Mississippi.

892

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Mississippi, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Mike J. Lindway, Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte J. R. Palmer, Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Arthur Dean Richmond,
Petitioner.

17, Original.

Motion for leave to file petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ex Parte Arthur Lean Richmond,
Petitioner.

17, Original.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Missouri,
Complainant,

16, Original vs.

State of Iowa.

The answer of the Defendant is received and ordered filed.

Per Mr. Chief Justice Hughes.

Howard Lee,

Petitioner,

896 vs.

Clyde I. Plummer, Warden of the State Prison at Folsom, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied for the reason that the Court, upon examination of the papers herein submitted, finds that the judgment sought to be reviewed is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

Howard Lee, Petitioner,

896 vs.

Clyde I. Plummer, Warden of the State Prison at Folsom, California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

R. E. Collins, John C. Corbett, et al.,

Appellants,

870 vs.

Yosemite Park and Curry Co.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

R. E. Collins, John C. Corbett
and Fred B. Stewart, et al.,

Appellants,

870 vs.

Yosemite Park and Curry Co.

UPON CONSIDERATION of the Appellant's Statement as to Jurisdiction and the record of this cause, and in view of the Act of August 24, 1937 (50 Stat. 751), the Court hereby certifies to the Attorney General of the United States that the constitutionality of Sec. 1 of the Act of Congress of June 11, 1906 (34 Stat. 831) and of Sec. 1 of the Act of Congress of June 2, 1920 (41 Stat. 731) is drawn into question in this cause.

Per Mr. Chief Justice Hughes.

Earle S. Welch,

Appellant,

888 vs.

Robert K. Henry, et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Earle S. Welch,

Appellant,

888 vs.

Robert K. Henry, et al.

ON CONSIDERATION of the motion to dismiss the appeal herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

815 vs.

One 1936 Model Ford V-8 De Luxe Coach, Motor No. 18-3306511, Commercial Credit Company, Claimant.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Stone took no part in the consideration or decision of this application.

The Atlantic Refining Company,

Petitioner,

838 vs.

Florence Smith, Susan McCall, Mary Rickenbach, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration or decision of this application.

John G. Doherty,

Petitioner,

818 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Brooklyn Trust Company, as Substituted Grantee of Powers in Trust,

Petitioner,

820 vs.

Sherman Square Apartments, Inc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Isadore Walter Wolk,

Petitioner,

821 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

O. A. LaBudde, Collector of Internal Revenue for the District of Wisconsin,

Petitioner,

823 vs.

Cudahy Brothers Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ralph E. Williams, Trustee in Bankruptcy of the University Drug Company,

Petitioner,

824 vs.

The Corden Corporation and J. S. Caramella.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fort Pitt Bridge Works,

Petitioner,

825 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Michael Pavlovich Kosolapoff,

Petitioner,

826 vs.

Petrodgradsky Mejdunarodny Kommerchesky Bank.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Golding Brothers Co., Inc.,
Petitioner,
828 vs.
Frederic G. Dumaine, et al.,
Trustees.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Boston Machine Works Company,
Petitioner,
833 vs.
Prime Manufacturing Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Geraldine S. Roberts, A. J. Swanson and W. J. Glover, Jr.,
Petitioners,
837 vs.
Metropolitan Life Insurance Company, and Charles H. Albers, as Receiver of Cody Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry Cohen,
Petitioner,
vs.
State of Maryland.

On petition for writ of certiorari to the Court of Appeals of the State of Maryland.

843

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Maryland, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert Jacob, Inc.,
Petitioner,
vs.
Emely Gunnarson, as Administratrix of the Estate of Andrew Gunnarson, Deceased, and Arthur Gunnarson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

844

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States,
Petitioner,
vs.
Wharton Green & Company, Inc.

On petition for writ of certiorari to the Court of Claims.

845

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Quick Action Ignition Company,
Petitioner,
856 vs.
Briggs & Stratton Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Burke Grain Company,
Petitioner,
873 vs.
Saint Paul Mercury-Indemnity Company of St. Paul.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Smith Hood, Successor Receiver of the Monongahela Bank of Fairmont,
Petitioner,
876 vs.
Howard Hardesty, Receiver of the National Bank of Fairmont.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

406 vs.

Thomas A. O'Donnell.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

446 vs.

Elbe Oil Land Development Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John E. Groves and Mary E. Stanton,

Appellants,

753 vs.

Board of Education of the City of Chicago.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

The Court will take a recess from Monday, April 11, until Monday, April 25, next.

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The State of Nebraska,

Complainant,

9, Original vs.

The State of Wyoming and the State of Colorado.

Motion of the United States for leave to intervene submitted by Mr. Solicitor General Jackson for the United States with leave to the parties to respond within three weeks.

State of California,

Complainant,

—, Original vs.

Murray W. Latimer, et al.

Motion for leave to file Bill of Complaint submitted by Mr. Roger J. Traynor in behalf of counsel for the Complainant.

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The United States,

Appellant,

707 vs.

The Klamath and Modoc Tribes and Yahooskin Band of Snake Indians.

Argument continued by Mr. G. Carroll Todd for the Respondents and concluded by Mr. Assistant Attorney General Mcfarland for the Appellant.

John A. Johnson,

Petitioner,

699 vs.

Fred G. Zerbst, Warden, etc.

Argued by Mr. Elbert P. Tuttle for the Petitioner and by Mr. Bates Booth for the Respondent.

Petroleum Exploration, Inc.,

Appellant,

705 vs.

Public Service Commission of Kentucky, et al.

Argument commenced by Mr. W. J. Brennan for the Appellant and continued by Mr. J W Jones for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel B. Pettengill, It is ordered that Walter L. Clements, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse P. Wolcott, It is ordered that Kenneth W. Hill, Esquire, of Mount Clemens, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter C. Chandler, It is ordered that Ernest C. Richard, Esquire, of Springfield, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur S. Lytton, It is ordered that Virgil D. Parish, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Geo. E. H. Goodner, It is ordered that Keith A. Ferguson, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George E. Strong, It is ordered that Edward J. Metzdorf, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence A. Baker, It is ordered that Max Shoop, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Quick Action Ignition Company,

Petitioner,

856 vs.

Briggs & Stratton Corporation.

Motion to withhold order denying petition for certiorari submitted by Mr. N. S. Amstutz for the Petitioner.

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Petroleum Exploration, Inc.,

Appellant,

705 vs.

Public Service Commission of Kentucky, et al.

Argument continued by Mr. J W Jones for the Appellee and concluded by Mr. W. J. Brennan for the Appellant.

Interstate Circuit, Inc., et al.,

Appellants,

709 vs.

The United States of America; and

Paramount Pictures Distributing Company, Inc., et al.,

Appellants,

710 vs.

The United States of America.

Argument commenced by Mr. George S. Wright for the Appellants; continued by Mr. Solicitor General Jackson for the Appellee; and concluded by Mr. Thomas D. Thacher for the Appellants in No. 710.

National Labor Relations Board,

Petitioner,

706 vs.

Mackay Radio & Telegraph Company.

Argument commenced by Mr. Charles Fahy for the Petitioner and continued by Mr. Louis W. Myers for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Mortimer Riemer, It is ordered that William L. Standard, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that Charles C. Andrews, Jr., Esquire, of Orlando, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis E. Walter, It is ordered that Clarence R. Kramer, Esquire, of Clearfield, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore A. Mostetler, It is ordered that Edwin T. Bean, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore A. Hostetler, It is ordered that Richard W. Treverton, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that George W. Martin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that Florian G. Miller, Esquire, of Erie, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ex Parte Hiram Steelman,

Petitioner.

—, Original.

Motion for leave to withdraw motion for leave to file petition for writ of mandamus submitted by counsel for the Petitioner.

Ex Parte Hiram Steelman,

Petitioner.

—, Original.

ON CONSIDERATION of the motion of counsel for the Petitioner for leave to withdraw the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

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National Labor Relations Board,

Petitioner,

706 vs.

Mackay Radio & Telegraph Company.

Argument continued by Mr. Louis W. Myers for the Respondent and concluded by Mr. Charles Fahy for the Petitioner.

The United States of America,

Appellant,

640 vs.

Carolene Products Company.

Argued by Mr. Assistant Attorney General McMahon for the Appellant and by Mr. George N. Murdock for the Appellee.

James M. Wright,

Petitioner,

715 vs.

Union Central Life Insurance Co.; and

James M. Wright,

Petitioner,

716 vs.

Union Central Life Insurance Co.

Argument commenced by Mr. Samuel E. Cook for the Petitioner; continued by Mr. Arthur S. Lytton for the Respondent; and concluded by Mr. Wm. Lemke for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, APRIL 7, 1938.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Bennett C. Clark, It is ordered that C. Arthur Anderson, Esquire, of Lemay, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. E. Weadock, It is ordered that Harold Helper, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, It is ordered that Herman Cooper, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Butler, It is ordered that James M. Stuart, Esquire, of Milford, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin J. McNamara, It is ordered that Charles M. Lerer, Esquire, of Maynard, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Harry Cohen,

Petitioner,

843 vs.

State of Maryland.

Motion to withhold order denying petition for writ of certiorari submitted by Mr. Harry O. Levin for the Petitioner.

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The United States of America,

Appellant,

757 vs.

Milo W. Bekins and Reed J. Bekins, as Trustees, etc.; and

Lindsay-Strathmore Irrigation District,

Appellant,

772 vs.

Milo W. Bekins and Reed J. Bekins, as Trustees, etc.

Four hours and twenty minutes allowed for oral argument.

Argument commenced by Mr. Hatton W. Sumners for the Committee on the Judiciary of the House of Representatives of the United States, as Amicus curiae, by special leave of Court; continued by Mr. Solicitor General Jackson for the Appellant in No. 757; by Mr. Guy Knupp for the Appellant in No. 772; by Mr. W. Coburn Cook and Mr. Charles L. Childers for the Appellees; and concluded by Mr. James R. McBride for the Appellant in No. 772.

Arkansas Fuel Oil Company,

Appellant,

760 vs.

State of Louisiana, ex rel.
Hyman Muslow.

Motion to dismiss submitted by Mr. John B. Files for the Appellee.

Argued by Mr. Robert Roberts, Jr., for the Appellant and case submitted by Mr. John B. Files for the Appellee.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

779 vs.

Philip L. Gerhardt;

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

780 vs.

Billings Wilson; and

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

781 vs.

John J. Mulcahy.

Three and one half hours allowed for oral argument.

Argument commenced by Mr. Assistant Solicitor General Bell for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that South Trimble, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. C. Murphy, It is ordered that Walter C. Hendrix, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James D. Carpenter, Jr., It is ordered that Henry Mannix, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fritz G. Lanham, It is ordered that Geo. C. Magee, Jr., Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Miller, It is ordered that Clyde T. Ellis, Esquire, of Centerville, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that Walter William Dalton, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Heber H. Rice, It is ordered that C. H. Taylor, Esquire, of Jackson, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. Horton Carden, It is ordered that Zenola May Longstreth, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David D. Terry, It is ordered that Gussie Faye Haynie, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

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Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

779 vs.

Philip L. Gerhardt;

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

780 vs.

Billings Wilson; and

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

781 vs.

John J. Mulcahy.

Argument continued by Mr. Assistant Solicitor General Bell for the Petitioner; by Mr. Julius Henry Cohen for the Respondents; and concluded by Mr. Henry Epstein for the State of New York and other States as amici curiae, by special leave of Court.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

723 vs.

National Grocery Company.

Argument commenced by Mr. Assistant Attorney General Morris for the Petitioner and continued by Mr. J. D. Carpenter, Jr., for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. A. Coulter Wells, It is ordered that Edgar B. Kinmiller, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that David Polmer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that Donald J. Stocking, Esquire, of Butte, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that Kent H. Meyers, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur M. Becker, It is ordered that Max Wasserman, Esquire, of Jefferson City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John G. Moss, It is ordered that Norman Salit, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Hunter, It is ordered that Milton C. Boesel, Esquire, of Toledo, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer L. McCormick, It is ordered that Roy Franklin McMahon, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse B. Adams, It is ordered that David Sylvan Block, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that Samuel W. Gaffer, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that George J. Freedman, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Joe Hale,

Petitioner,

680 vs.

Commonwealth of Kentucky.

On writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the Commonwealth of Kentucky, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

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The Chief Justice announced the following order of the Court:

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State of Indiana, on the Relation of Myrtle Hamilton Valentine,

Petitioner,

605 vs.

James F. Marker, Trustee of Van Buren School Township, Pulaski County, Indiana, as Such Trustee.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Indiana is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

State of Indiana, on the Relation of Myrtle Hamilton Valentine,

Petitioner,

805 vs.

James F. Marker, Trustee of Van Buren School Township, Pulaski County, Indiana, as Such Trustee.

On writ of certiorari to the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Black dissents.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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State of California,

Complainant,

—, Original vs.

Murray W. Latimer, James A. Dailey and Lee M. Eddy, Individually and as Members of the Railroad Retirement Board, et al.,

A rule is ordered to issue requiring the Defendants to show cause on or before April 25th, next, why leave to file the Bill of Complaint herein should not be granted.

Per Mr. Chief Justice Hughes.

Frank J. Palka,

Petitioner,

— vs.

Ralph H. Walker, Warden.

ON CONSIDERATION of the application for stay of execution pending filing of petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry Cohen,

Petitioner,

843 vs.

State of Maryland.

ON CONSIDERATION of the motion to withhold the order denying petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Quick Action Ignition Company,

Petitioner,

856 vs.

Briggs & Stratton Corporation.

ON CONSIDERATION of the motion to withhold the order denying petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

860 vs.

Robert C. Wimmill.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Lowe Brothers Company,

Petitioner,

864 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Marion H. Allen, Collector of Internal Revenue for the District of Georgia,

Petitioner,

882 vs.

Regents of the University System of Georgia.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Albert Benjamin Chandler, Individually and as Governor of the Commonwealth of Kentucky, et al.,

Petitioners,

902 vs.

James W. Wise and Ray B. Moss.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky is granted, and the case is assigned for argument immediately following No. 796.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Standard Marine Insurance Company, Limited,

Petitioner,

846 vs.

Westchester Fire Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone took no part in the consideration or decision of this application.

American Snuff Company,
Petitioner,
849 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone took no part in the consideration or decision of this application.

Rafael Sancho Bonet, Treasurer of Puerto Rico,
Petitioner,
831 vs.
Pedro Acevedo Quiles.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rafael Sancho Bonet, Treasurer of Puerto Rico,
Petitioner,
832 vs.
Valiente & Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ernest Di Santo,
Petitioner,
834 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

M. McDonough Co.,
Petitioner,
835 vs.
Waldorf System, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elizabeth M. Sterling,
Petitioner,
839 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paul Grunwald, Michael Lux, Harry Korn and William Pelton,

Petitioners,

851 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Reuben Lubitzky,

Petitioner,

852 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

854 vs.

Lee Moor.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Francis E. Townsend,
Petitioner,
855 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sarah M. Wyman,
Petitioner,
862 vs.
Edgar L. Newhouse, Jr.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Brown-Crummer Investment Company, Trustee,
Petitioner,
867 vs.
City of Hamlin, Texas, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Eli J. Blair,
Petitioner,
868 vs.
T. W. Warner Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

August H. Moran, Receiver of Wardman Corporation, Inc.,
Petitioner,
660 vs.
The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

E. R. Lindsey and Elbert B. Lindsey,
Petitioners,
853 vs.
State of Washington.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

723 vs.

National Grocery Company.

Argument concluded by Mr. James D. Carpenter, Jr., for the Respondent.

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Proclamation being made the Court is adjourned until Monday, April 25, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Jr., Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Frank K. Green, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William Robert Poage, It is ordered that Bert Ford, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse A. Wolcott, It is ordered that Paul S. Hirt, Esquire, of Mount Clemens, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Solicitor General Robert H. Jackson, It is ordered that Meyer D. Siegel, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Solicitor General Robert H. Jackson, It is ordered that Clive Lester Wright, Esquire, of Jamestown, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Brien McMahon, It is ordered that Richard F. Shanahan, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Walter H. Beck, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ben Cravens, It is ordered that Louis Josephs, Esquire, of Texarkana, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William S. Ervin, It is ordered that Roy C. Frank, Esquire, of Le Center, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Reed, It is ordered that Robert James Ingraham, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Emery J. Woodall, It is ordered that Katharyn Gwinn Dixon, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence R. Gorman, It is ordered that Harry R. Cooper, Esquire, of Belmar, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard M. Gardner, It is ordered that John E. C. Mauro, Esquire, of St. George, Staten Island, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Hughes, Jr., It is ordered that Maxwell Shapiro, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Cantrel, It is ordered that Victor S. Kilkenny, Esquire, of West New York, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Cantrel, It is ordered that Raymond J. Otis, Esquire, of West New York, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Mabel Walker Willebrandt, It is ordered that M. Louise Rutherford, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Mabel Walker Willebrandt, It is ordered that S. Elizabeth Holmes, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward P. Hodges, It is ordered that F. Ansel Worley, Esquire, of Walhalla, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel H. Kaufman, It is ordered that Moses Polakoff, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tracy L. Jeffords, It is ordered that Raymond Spencer Sifdol, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon O. Moses, It is ordered that Stirling Truman Phelps, Jr., Esquire, of Laredo, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude R. Porter, It is ordered that John H. Mitchell, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward B. Burling, It is ordered that Grover B. Higgins, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward B. Burling, It is ordered that Horace Chapman Rose, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude R. Porter, It is ordered that Don W. Burlington, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel A. King, It is ordered that Leroy E. Miller, Esquire, of East Saint Louis, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis C. Brown, It is ordered that Houston B. Hill, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert A. Taft, It is ordered that John H. More, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America and Interstate Commerce Commission,

Appellants,

514 vs.

Pan American Petroleum Corporation, The Celotex Company, Great Southern Lumber Company, et al.

Appeal from the District Court of the United States for the Eastern District of Louisiana.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decrees of the said District Court in this cause be, and the same are hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Reed and Mr. Justice Cardozo took no part in the consideration or decision of this case.

The United States of America and Interstate Commerce Commission,

Appellants,

530 vs.

Humble Oil & Refining Company, Magnolia Petroleum Company, The Texas Company, et al.

Appeal from the District Court of the United States for the Southern District of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decrees of the said District Court in this cause be, and the same are hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Reed and Mr. Justice Cardozo took no part in the consideration or decision of this case.

Guaranty Trust Company of New York,

Petitioner,

566 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Reed and Mr. Justice Cardozo took no part in the consideration or decision of this case.

The United States of America,

Appellant,

640 vs.

Carolene Products Company.

Appeal from the District Court of the United States for the Southern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Black concurs in the result and in all of the opinion except the part marked "Third."

Opinion by Mr. Justice Butler concurring in the result.

Dissenting: Mr. Justice McReynolds.

Mr. Justice Reed and Mr. Justice Cardozo took no part in the consideration or decision of this case.

The United States,

Petitioner,

On writ of certiorari to the Court of Claims.

668 vs.

Shoshone Tribe of Indians of the Wind River Reservation in Wyoming.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, and the same is hereby, affirmed.

Per Mr. Justice Butler.

Mr. Justice Stone and Mr. Justice Cardozo took no part in the consideration or decision of this case.

Dissenting: Mr. Justice Reed.

The United States, Appellant, vs. The Klamath and Modoc Tribes and Yahooskin Band of Snake Indians. — Appeal from the Court of Claims.

707

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Butler.

Mr. Justice Stone, Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Mr. Justice Black concurs in the result.

Erie Railroad Company, Petitioner, vs. Harry J. Tompkins. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

367

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Brandeis.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Reed.

Separate opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

M. C. Hinderlider, as State Engineer of the State of Colorado, et al., etc., Appellants,

437 vs.

The La Plata River and Cherry Creek Ditch Company.

Appeal from the Supreme Court of the State of Colorado.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Colorado, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Justice Brandeis.

M. C. Hinderlider, as State Engineer of the State of Colorado, et al., etc., Appellants,

437 vs.

The La Plata River and Cherry Creek Ditch Company.

Appeal from the Supreme Court of the State of Colorado.

TREATING the appeal papers herein from the Supreme Court of the State of Colorado as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

M. C. Hinderlider, as State Engineer of the State of Colorado, et al., etc., Petitioners,

437 vs.

The La Plata River and Cherry Creek Ditch Company.

On writ of certiorari to the Supreme Court of the State of Colorado.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Colorado, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause be,

and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Brandeis.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Baltimore and Ohio Railroad Company, et al.,

Appellants,

638 vs.

The United States of America, Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice McReynolds.

Mr. Justice Cardozo and Mr. Justice Black took no part in the consideration or decision of this cause.

Arkansas Louisiana Gas Company,

Appellant,

645 vs.

Department of Public Utilities, Thomas Fitzhugh, W. H. Blalock and Max H. Mehlberger, Commissioners.

Appeal from the Supreme Court of the State of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Arkansas, and was argued by counsel.

On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice McReynolds.

Mr. Justice Cardozo took no part in the consideration or decision of this cause.

Fred O. Morgan, Doing Business as Fred O. Morgan Sheep Commission Company, et al.,

Appellants,

581 vs.

The United States of America and the Secretary of Agriculture.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Justice Black.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this case.

The United States of America,

Appellant,

757 vs.

Milo W. Bekins and Reed J. Bekins, as Trustees Appointed by the Will of Martin Bekins, Deceased, et al., etc.

Appeal from the District Court of the United States for the Southern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Justice McReynolds and Mr. Justice Butler.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

Lindsay-Strathmore Irrigation District, Appellant, vs. Milo W. Bekins and Reed J. Bekins, as Trustees, Appointed by the Will of Martin Bekins, Deceased, et al., etc.

772

Appeal from the District Court of the United States for the Southern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Justice McReynolds and Mr. Justice Butler.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

Interstate Circuit, Inc., Texas Consolidated Theatres, Inc., Karl Hoblitzelle, et al., Appellants, vs. The United States of America.

709

Appeal from the District Court of the United States for the Northern District of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, set aside; and that this cause be, and the same is hereby, remanded to the said District Court with directions to state its findings of fact and conclusions of law as required by Equity Rule 70½.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Justice Stone and Mr. Justice Black.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

Paramount Pictures Distributing Company, Inc., Vitagraph, Inc., RKO-Radio Pictures, Inc., et al.,

Appellants,

710 vs.

The United States of America.

Appeal from the District Court of the United States for the Northern District of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, set aside; and that this cause be, and the same is hereby, remanded to the said District Court with directions to state its findings of fact and conclusions of law as required by Equity Rule 70½.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Justice Stone and Mr. Justice Black.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

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The Chief Justice announced the following orders of the Court:

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Eureka Productions, Inc.,

Appellant,

887 vs.

Herbert H. Lehman, as Governor of the State of New York, et al.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree in this cause be, and the same is hereby, granted.

AND IT IS FURTHER ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

The Tennessee Electric Power Company, Appellant, vs. Harold L. Ickes, Administrator of the Federal Emergency Administration of Public Works.

965

Appeal from the District Court of the United States for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree in this cause be, and the same is hereby, granted.

AND IT IS FURTHER ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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In re Disbarment of John L. Lotsch.

This Court, by order of February 28, 1938, having directed the issue of a rule requiring John L. Lotsch, of New York, N. Y., a member of the bar of this Court, to show cause why he should not be disbarred from the practice of the law in this Court, and John L. Lotsch having filed return to said rule; and it appearing to the Court that charges of professional misconduct had been brought against said John L. Lotsch in the Appellate Division of the Supreme Court of the State of New York for the First Judicial Department; that the referee to whom said charges were referred for the taking of proof rendered a report sustaining such charges; that while said proceedings was pending upon a motion to confirm the referee's report said John L. Lotsch consented to the entry of an order striking his name from the roll of attorneys and counselors-at-law in the State of New York without further notice to him;

and that such an order was thereafter entered; now, upon consideration of the rule to show cause and the return aforesaid,

IT IS ORDERED that said John L. Lotsch be, and he is hereby, disbarred from the practice of the law in this Court under subdivision 5 of Rule 2 for conduct unbecoming a member of the bar of this Court.

Per Mr. Chief Justice Hughes.

Ex Parte Victor J. Evans,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Nebraska,

Complainant,

9, Original vs.

State of Wyoming and
State of Colorado.

This case is set for oral argument on the motion of the United States for leave to intervene and the objections of the several states thereto and assigned for Monday, May 2, next.

Per Mr. Chief Justice Hughes.

The New Negro Alliance, et al.,

Petitioners,

511 vs.

Sanitary Grocery Co., Inc.

IT IS ORDERED that the opinion in this cause be amended (1) by striking out the last three sentences in the first full paragraph on page 5 and substituting therefor the following:

> "The Court of Appeals thought that the dispute was not a labor dispute within the Norris-LaGuardia Act because it did not involve terms and conditions of employment such as wages, hours, unionization or betterment of working conditions, and that the trial court, therefore, had jurisdiction to issue the injunction. We think the conclusion that the dispute was not a labor dispute within the meaning of the Act, because it did not involve terms and conditions of employment in the sense of wages, hours, unionization or betterment of working conditions is erroneous.";

(2) By striking out of the second full paragraph on page 6 the first and second sentences and so much of the third sentence as reads: "In the first place" and starting a new sentence with a capital "T";

(3) By striking out the words "In the second place" in the fourth sentence in the second full paragraph on page 6 and beginning the sentence with a capital "T".

Per Mr. Chief Justice Hughes.

James M. Wright,

Petitioner,

715-716 vs.

Union Central Life Insurance Co.

In view of the Act of August 24, 1937 (50 Stat. 751), the Court hereby certifies to the Attorney General of the United States that the consti-

tutionality of section 75 of the Bankruptcy Act, as amended by the Act of August 28, 1935 (49 Stat. 942), is drawn in question in this cause.

Per Mr. Chief Justice Hughes.

American National Bank of Portsmouth,

Petitioner,

978 vs.

Kate Walker Ames, et al.

It is ordered that execution pursuant to the judgment of the Supreme Court of Appeals of Virginia entered in this cause be, and the same is hereby, stayed pending action upon the petition for writ of certiorari.

Per Mr. Chief Justice Hughes.

Fred G. Zerbst, Warden, etc.,

Petitioner,

782 vs.

Sherman Kidwell;

Fred G. Zerbst, Warden, etc.,

Petitioner,

783 vs.

Dewey Smith;

Fred G. Zerbst, Warden, etc.,

Petitioner,

784 vs.

Allen Collins;

Fred G. Zerbst, Warden, etc.,

785 vs.

Walter Owens;

Fred G. Zerbst, Warden, etc.,
Petitioner,
786 vs.
Frank Peel;

Fred G. Zerbst, Warden, etc.,
Petitioner,
787 vs.
Bennie Jones;

Fred G. Zerbst, Warden, etc.,
Petitioner,
788 vs.
Henry Stone; and

Fred G. Zerbst, Warden, etc.,
Petitioner,
789 vs.
Jeffie D. Sullivan.

ON CONSIDERATION of the motion of the Respondents for leave to proceed in forma pauperis in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

John Y. Stokes and Leonard J. Olsen,
Petitioners,
927 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the

same is hereby, denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for writ of certiorari was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

John Y. Stokes and Leonard J. Olson,
Petitioners,

927 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Delpha Riffee, Administratrix, etc.,
Petitioner,

928 vs.

The Marion Steam Shovel Company,
Marion, Ohio.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Delpha Riffee, Administratrix of the Estate of Hilton B. Riffee, Deceased,

Petitioner,

928 vs.

The Marion Steam Shovel Company, Marion, Ohio.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Delpha Riffee,

Petitioner,

929 vs.

The Marion Steam Shovel Company, Marion, Ohio.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Delpha Riffee,

Petitioner,

929 vs.

The Marion Steam Shovel Company, Marion, Ohio.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Brammer, et al.,

Petitioners,

930 vs.

The Alloy Cast Steel Company, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Brammer, et al., Petitioners,

930 vs.

The Alloy Cast Steel Company, The Osgood Company.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sherman Brammer,

Petitioner,

931 vs.

The Alloy Cast Steel Company, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sherman Brammer,

Petitioner,

931 vs.

The Alloy Cast Steel Company, The Osgood Company.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr.Chief Justice Hughes.

Elizabeth Lillian Noggle, Executrix, etc.,

Petitioner,

932 vs.

The Alloy Cast Steel Company, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elizabeth Lillian Noggle, Executrix of the Estate of Robert T. Doty, Deceased,

Petitioner,

932 vs.

The Alloy Cast Steel Company, The Osgood Company.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Tom Conway,

Petitioner,

943 vs.

Clay Allen, Judge of Superior Court, Seattle, Washington, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Tom Conway,

Petitioner,

943 vs.

Clay Allen, Judge of Superior Court, Seattle, Washington, et al.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wesley Leroy Sischo,

Petitioner,

944 vs.

A. C. Aderhold, Warden of the United States Penitentiary Annex, Fort Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wesley Leroy Sischo,

Petitioner,

944 vs.

A. C. Aderhold, Warden of the United States Penitentiary Annex, Fort Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

E. R. Lindsey, et al.,

Petitioners,

949 vs.

State of Washington.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

E. R. Lindsey and Elbert B. Lindsey,

Petitioners,

949 vs.

State of Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

D. P. Stahmann, Anna M. Stahmann, and Joyce F. Stahmann, Doing Business as Stahmann Farms Company,

Petitioners,

877 vs.

S. P. Vidal, Collector of Internal Revenue for the District of New Mexico.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted, limited to the question whether the petitioners were the proper parties to maintain the suit.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mark O. Davis,

Petitioner,

905 vs.

Maude E. Davis.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

829 vs.

Kings County Development Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby denied.

Per Mr. Chief Justice Hughes.

Franz Gorny, Bernhard Gorny and Julianna Jablanska, et al.,

Petitioners,

848 vs.

The Trustees of the Milwaukee County Orphans Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Italia Flotte Riunite Cosulich, et al.,

Petitioners,

850 vs.

Ruth Katz and Hyman S. Katz.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Highway Engineering & Construction Company, Inc.,

Petitioner,

858 vs.

Hillsborough County, a Political Subdivision of the State of Florida.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Helen Sheehan, as Administratrix of the Goods, Chattels and Credits of John J. Sheehan, Deceased,

Petitioner,

859 vs.

The New York, New Haven and Hartford Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Franklin Life Insurance Company, Springfield, Illinois,

Petitioner,

861 vs.

Mary Katherine Staats.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Atchison, Topeka and Santa Fe Railway Company,

Petitioner,

863 vs.

Edwin A. Taylor.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, First District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Motor Wheel Corporation,
Petitioner,
865 vs.
Rubsam Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

People of the State of Illinois, ex rel. Gertrude Hakanson,
Petitioner,
866 vs.
Ernest Palmer, Director of Insurance of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Molly - Es Doll Outfitters, Inc., Meyer Goldman and Mollye Goldman,
Petitioners,
878 vs.
Myrtle Gruelle.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Abe Cohen, Individually and Doing Business as the New Deal Food Market,

Petitioner,

879 vs.

Swift and Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ralph D. Mershon and the Magnavox Company,

Petitioners,

880 vs.

Sprague Specialties Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

County of Westchester,

Petitioner,

883 vs.

Montrose Contracting Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William H. Malone, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

884

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Equitable Life Insurance Company of Iowa, Petitioner, vs. Germantown Trust Company, Trustee Under Insurance Trust Agreement of Pratt Thompson. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

885

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry E. Wiese, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

886

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

City of Port Worth, Van Zandt Jarvis, Mayor of the City of Port Worth, et al.,

Petitioners,

874 vs.

Lone Star Gas Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Abraham Warkentin,

Petitioner,

881 vs.

Fred J. Schlotfeldt, District Director of Immigration and Naturalization.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred P. Florence, et al.,

Petitioners,

889 vs.

H. E. Crummer.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

R. J. Reynolds Tobacco Company, Petitioner,
893 vs.
C. H. Robertson, Collector of Internal Revenue for the District of North Carolina.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ed Armstrong, et al., Petitioners,
910 vs.
Virginia Iron, Coal and Coke Company, Inc.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Louis J. Bergson, Petitioner,
917 vs.
Fidelity-Philadelphia Trust Company, Trustee, etc.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Louis J. Bergson,
Petitioner,
vs.
Fidelity-Philadelphia Trust Company, Trustee, etc.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

918

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank P. Cox,
Petitioner,
vs.
John J. McElligott, as Fire Commissioner and as Treasurer of the New York Fire Department Relief Fund.

On petition for writ of certiorari to the Supreme Court of the State of New York.

923

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York Rapid Transit Corporation,
Appellant,
vs.
The City of New York;

and

Brooklyn and Queens Transit Corporation,
Appellant,
vs.
The City of New York.

435

436

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

563 vs.

L. Manuel Hendler, as Transferee of Creameries, Inc., etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

IT IS ORDERED that the call of the docket be suspended for the term upon the conclusion of the arguments in the cases on call for Friday, April 29th, or any additional cases which may be assigned and that the Court will then take a recess until Monday, May 16th.

Per Mr. Chief Justice Hughes.

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Federal Power Commission,

Petitioner,

915 vs.

Metropolitan Edison Company, et al.

Motion to shorten the time for filing Respondents' brief and to advance submitted by Mr. Solicitor General Jackson for the Petitioner.

Federal Power Commission,

Petitioner,

915 vs.

Metropolitan Edison Company, et al.

ON CONSIDERATION of the motion of Mr. Solicitor General Jackson to shorten the time for filing Respondents' brief in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that Respondents' brief be filed on or before April 28, next.

Per Mr. Chief Justice Hughes.

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State of California,

Complainant,

—, Original vs.

Murray W. Latimer, et al.

Return to Rule to Show Cause presented.

Ex Parte Paysoff Tinkoff,

Petitioner.

—, Original.

Motion for leave to file petition for writ of certiorari and to proceed in forma pauperis submitted by Mr. Paysoff Tinkoff for the Petitioner.

Ex Parte Basil M. Pollitt,

Petitioner.

—, Original.

Motion for leave to file petition for writ of certiorari and to proceed in forma pauperis submitted by Mr. Basil M. Pollitt for the Petitioner.

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The State of Oklahoma, upon the relation of Howard C. Johnson, Bank Commissioner,

Plaintiff,

—, Original vs.

R. M. Cook.

Argument on the rule to show cause why leave to file the complaint should not be granted and the return thereto commenced by Mr. Houston M. Hill for the Plaintiff. The Court declined to hear further argument.

Robert A. Taft, Executor, etc.,

Petitioner,

746 vs.

Commissioner of Internal Revenue.

Argued by Mr. Robert A. Taft for the Petitioner and by Mr. Warner W. Gardner for the Respondent.

Federal Trade Commission,

Petitioner,

756 vs.

The Goodyear Tire & Rubber Company.

Argument commenced by Mr. Hugh B. Cox for the Petitioner. The Court declined to hear further argument.

William Mahoney, as Liquor Control Commissioner, etc., et al.,

Appellants,

761 vs.

Joseph Triner Corporation.

Argued by Mr. William S. Ervin and Mr. Roy C. Frank for the Appellants and concluded by Mr. Carl W. Cummins for the Appellee.

Aetna Insurance Company,

Petitioner,

773 vs.

United Fruit Company;

Union Marine & General Insurance Company, Ltd., etc.,

Petitioner,

774 vs.

United Fruit Company; and

Boston Insurance Company,

Petitioner,

775 vs.

United Fruit Company.

Argument commenced by Mr. D. Roger Englar for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugh L. Black,
Stanley Reed.

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Tunis Albert Dils, Esquire, of Washington, District of Columbia;

Clarence L. Lavender, Esquire, of Washington, District of Columbia;

Henry Johnson Hough, Esquire, of Washington, District of Columbia;

Robert M. Cooper, Esquire, of Washington, District of Columbia;

Bernard Dunlap Hathcock, Esquire, of Washington, District of Columbia;

John R. Gaskins, Esquire, of Washington, District of Columbia; and

W. Francis Delaney, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that Jack L. Rorschach, Esquire, of Vinita, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Quintin Paredes, It is ordered that Jose Grey, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Dondero, It is ordered that Charles W. Talbot, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James S. Moore, Jr., It is ordered that Seibert L. Sefton, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morgan G. Sanders, It is ordered that T. C. Chadick, Esquire, of Winnsboro, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William S. Hogsett, It is ordered that Dupuy G. Warrick, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry R. Gower, It is ordered that James D. Assaf, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Granville Curry, It is ordered that Curry Carter, Esquire, of Staunton, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugh L. Black,
Stanley Reed.

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Tunis Albert Dils, Esquire, of Washington, District of Columbia;

Clarence L. Lavender, Esquire, of Washington, District of Columbia;

Henry Johnson Hough, Esquire, of Washington, District of Columbia;

Robert M. Cooper, Esquire, of Washington, District of Columbia;

Bernard Dunlap Hathcock, Esquire, of Washington, District of Columbia;

John R. Gaskins, Esquire, of Washington, District of Columbia; and

W. Francis Delaney, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that Jack L. Rorschach, Esquire, of Vinita, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Quintin Paredes, It is ordered that Jose Grey, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Dondero, It is ordered that Charles W. Talbot, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James S. Moore, Jr., It is ordered that Seibert L. Sefton, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morgan G. Sanders, It is ordered that T. C. Chadick, Esquire, of Winnsboro, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William S. Hogsett, It is ordered that Dupuy G. Warrick, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry R. Gower, It is ordered that James D. Assaf, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Granville Curry, It is ordered that Curry Carter, Esquire, of Staunton, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. C. Sullivan, It is ordered that William R. Harvey, Esquire, of Newport, State of Rhode Island, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dean Hill Stanley, It is ordered that Edward S. Snyder, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Bates, It is ordered that Malcolm Davis, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ash, It is ordered that Perry W. Shrader, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ash, It is ordered that Cecil H. Haas, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas I. Emerson, It is ordered that William Gorham Rice, Jr., Esquire, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Huston Thompson, Jr., It is ordered that Oscar R. Mast, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston C. King, Jr., It is ordered that Ivan G. McDaniel, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Perry W. Howard, It is ordered that Zebedee W. Hicks, Esquire, of Gary, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Leonard Townsend, It is ordered that Clark Hempstead, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Isadore Mershfield, It is ordered that Herman Silverman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

" It is my sad duty to announce that Mr. Frank K. Green, the Marshal of the Court, died this morning. His life was spent in the service of the Court. He entered that service as a page boy over 46 years ago. Ten years later, in 1901, he became Librarian and, soon after, Crier. He was appointed Marshal in 1915 and for over 23 years has acted in that capacity. Throughout this long period he has served the Court with the utmost fidelity, bringing to the discharge of his duties not only the advantages of his ability and thorough acquaintance with the work of the Court but an unfailing tact and kindliness which won the esteem of those who have been brought into contact with his office. His name belongs in the honor roll of those who have given themselves through long years to the service of the Court with complete devotion to its interests. As a token of our respect for his memory, we shall do nothing today but hear motions and finish the cause on argument, and we shall then adjourn until tomorrow morning."

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Wm. H. Neblett, Vernon Bettin, et al.,

Petitioners,

921 vs.

Samuel L. Carpenter, Jr., Insurance Commissioner of the State of California, et al.

Motion for leave to file brief of Josiah E. Brill and Samuel H. Maslon as amici curiae, submitted by Mr. John A. K. Donovan in that behalf.

Wm. H. Neblett, Vernon Bettin, et al.,

Petitioners,

921 vs.

Samuel L. Carpenter, Jr., Insurance Commissioner of the State of California, et al.

ON CONSIDERATION of the motion for leave to file brief of Josiah E. Brill and Samuel H. Maslon as amici curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Aetna Insurance Company,

Petitioner,

773 vs.

United Fruit Company;

Union Marine & General Insurance Company, Ltd., etc.,

Petitioner,

774 vs.

United Fruit Company; and

Boston Insurance Company,

Petitioner,

775 vs.

United Fruit Company.

Argument continued by Mr. D. Roger Englar for the Petitioners; by Mr. Cletus Keating for the Respondent; and concluded by Mr. D. Roger Englar for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that

William W. Badgley, Esquire, of Washington, District of Columbia;

John W. Light, Esquire, of Washington, District of Columbia;

Hunter Bethuel Linton, Esquire, of Washington, District of Columbia;

Herbert W. Ludwig, Esquire, of Washington, District of Columbia;

Christopher A. Ray, Esquire, of Washington, District of Columbia;

Leslie H. Rushbrook, Esquire, of Washington, District of Columbia; and

Earl M. Spencer, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and the were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Joseph A. Keith, Esquire, of Sherman, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene J. Keogh, It is ordered that Morris M. Miller, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank P. Walsh, It is ordered that Harold Stern, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that J. P. Dreibelbis, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel A. King, It is ordered that Clarence E. Benadum, Esquire, of Muncie, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Thaddeus Scott, Jr., It is ordered that Hugh Q. Buck, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Martin, It is ordered that Chas. C. Wooldridge, Esquire, of Ordway, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bennett C. Clark, It is ordered that J. Walker Wooldridge, Esquire, of Wentzville, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Fred G. Zerbst, Warden, etc.,
Petitioner,
782 vs.
Sherman Kidwell;

Fred G. Zerbst, Warden, etc.,
783 vs.
Dewey Smith;

Fred G. Zerbst, Warden, etc.,
Petitioner,
784 vs.
Allen Collins;

Fred G. Zerbst, Warden, etc.,
Petitioner,
785 vs.
Walter Owens;

Fred G. Zerbst, Warden, etc.,
Petitioner,
786 vs.
Frank Peel;

Fred G. Zerbst, Warden, etc.,
Petitioner,
787 vs.
Bennie Jones;

Fred G. Zerbst, Warden, etc.,
Petitioner,
788 vs.
Henry Stone; and

Fred G. Zerbst, Warden, etc.,
Petitioner,
789 vs.
Jeffie D. Sullivan.

Argued by Mr. Bates Booth for the Petitioner and cases submitted by Mr. J. P. Kemp for the Respondents.

The Denver Union Stock Yard Company,

Appellant,

798 vs.

The United States of America, et al.

Three hours allowed for oral argument.

Argued by Mr. Robert G. Bosworth for the Appellants and by Mr. Wendell Berge for the Appellees.

International Ladies' Garment Workers' Union, etc., et al.,

Appellants,

801 vs.

Donnelly Garment Company, et al.

Argument commenced by Mr. Frank P. Walsh for the Appellants.

The Court declined to hear further argument.

R. E. Collins, John C. Corbett, et al.,

Appellants,

870 vs.

Yosemite Park and Curry Co.

Argument commenced by Mr. Seibert L. Sefton for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, APRIL 28, 1938.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that

Spencer Zimmerman, Jr., Esquire, of Washington, District of Columbia;

Owen W. Swecker, Esquire, of Washington, District of Columbia;

Francis L. VanHaaften, Esquire, of Washington, District of Columbia;

William A. Wells, Esquire, of Washington, District of Columbia;

Irving M. Tullar, Esquire, of Washington, District of Columbia; and

Oscar P. Vogel, Esquire, of Chevy Chase, State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. David D. Terry, It is ordered that Murray O. Reed, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marion Smith, It is ordered that M. E. Kilpatrick, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Marion Smith, It is ordered that Hamilton Lokey, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew J. Transue, It is ordered that George B. Murphy, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Quintin Paredes, It is ordered that Jose B. Romero, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward C. Eicher, It is ordered that Mark C. Reno, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Linwood Godfrey, It is ordered that John J. Honan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mahlon D. Kiefer, It is ordered that Laurence Livingston, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James S. Moore, Jr., It is ordered that Sigvald Nielson, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Stanley Payne, It is ordered that James Corbin Cheseldine, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Stanley Payne, It is ordered that John Reed Cheseldine, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Stanley Payne, It is ordered that W. Marshall C. Cheseldine, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guy Mason, It is ordered that Flavel Robertson, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Koplovitz, It is ordered that Morris J. Levin, Esquire, of St. Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Beatrice Clephane, It is ordered that Patrice Rice, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that

Charles Arthur Jaquette, Esquire, of Washington,
District of Columbia;

Price L. Marsh, Esquire, of Arlington,
State of Virginia;

Carl Thomas Palmer, Esquire, of Washington,
District of Columbia;

Earl A. Ruth, Esquire, of Washington,
District of Columbia;

Laban Bryson Valentine, Esquire, of Newport,
State of Tennessee;

Joseph G. Martin, Esquire, of Washington,
District of Columbia;

Curtis E. Chadwick, Esquire, of Ashland,
State of Kentucky;

George Daniel Kuhnel, Esquire, of Washington,
District of Columbia;

Edward Ignatius McLarney, Esquire, of Washington,
District of Columbia;

Vaun P. Cafferty, Esquire, of Cortland,
State of New York;

Carl A. Baumann, Esquire, of Washington,
District of Columbia;

Victor J. Garland, Esquire, of Washington,
District of Columbia;

F. E. Erickson, Esquire, of Washington,
District of Columbia;

Theodore Edelschein, Esquire, of Washington,
District of Columbia;

Emil K. Melin, Esquire, of Washington,
District of Columbia;

William Clattis Strange, Esquire, of Henderson,
State of North Carolina;

Champ C. Joy, Esquire, of Washington,
District of Columbia;

Hubert F. Neil, Esquire, of Washington,
District of Columbia; and

William Albert Lasley, Esquire, of Winston Salem,
State of North Carolina;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Federal Power Commission,

Petitioner,

915 vs.

Metropolitan Edison Company, Northern Pennsylvania Power Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is assigned for argument on May 2, next.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration or decision of this application.

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R. E. Collins, John C. Corbett, et al.,

Appellants,

870 vs.

Yosemite Park and Curry Co.

Argument continued by Mr. Seibert L. Sefton for the Appellants; by Mr. James S. Moore, Jr., for the Appellee; and concluded by Mr. Seibert L. Sefton for the Appellants.

Richard E. Lang, Executor, and Grace E. Lang, Executrix, etc.,

919 vs.

Commissioner of Internal Revenue.

(On Certificate)

Argued by Mr. H. B. Jones for Richard E. Lang, Executor, et al., and by Miss Helen R. Carloss for the Commissioner of Internal Revenue.

Marion H. Allen, Collector of
Internal Revenue, etc.,

Petitioner,

882 vs.

Regents of the University System
of Georgia.

Argument commenced by Mr. J. Louis Monarch for the Petitioner and continued by Mr. Marion Smith for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Andrew J. Transue, It is ordered that William A. Weithercut, Esquire, of Flint, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. Carroll Reece, It is ordered that Sherman Grindstaff, Esquire, of Elizabethton, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Josephus C. Trimble, It is ordered that Francis Roulhac Anderson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis F. Frick, It is ordered that Donald E. Lee, Esquire, of La Crosse, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herron C. Pearson, It is ordered that William P. Moss, Esquire, of Jackson, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Josephus C. Trimble, It is ordered that Benjamin Dowden, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton Strassburger, It is ordered that Jerome Mayer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Marion H. Allen, Collector of Internal Revenue, etc.,

Petitioner,

882 vs.

Regents of the University System of Georgia.

Argument concluded by Mr. Marion Smith for the Respondents.

Lowe Brothers Company,

Petitioner,

864 vs.

The United States of America.

Argued by Mr. John E. Hughes for the Petitioner and by Mr. A. F. Prescott for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Joseph Prendergast, Esquire, of New York,
State of New York;

Paul A. Freund, Esquire, of Washington,
District of Columbia;

Lawson Romjue, Esquire, of Macon,
State of Missouri; and

Stephen McKevett Farrand, Esquire, of Los Angeles,
State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that

Chas. O. Andrews, Esquire, of Orlando,
State of Florida; and

Arthur Lester Jacobs, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Burke, It is ordered that

Grace McGerr, of Lincoln, State of Nebraska; and

Helen McGerr, of Lincoln, State of Nebraska;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Milton R. Kroopf, It is ordered that Benjamin Schenker, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. Bruce, It is ordered that Joseph J. Pratt, Esquire, of Greenville, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George C. Baldt, It is ordered that John L. Woodward, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip Stein, It is ordered that Samuel Rosenzweig, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sol M. Alpher, It is ordered that Joseph H. Adelson, Esquire, of Providence, State of Rhode Island, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that Hymen Diamond, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raphael M. O'Hara, It is ordered that Morley S. Wolfe, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur M. Hahn, It is ordered that Victor Cobb, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas A. Jenkins, It is ordered that Birney R. Pettay, Esquire, of Cadiz, State of Ohio be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ewing Thomason, It is ordered that Paul Moss, Esquire, of Odessa, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Israel Friedlander, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Bonz, It is ordered that Van B. Wake, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Edward Paxson, It is ordered that Edward F. Haber, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Halloran, It is ordered that John Torrey Kenney, Esquire, of Needham, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Edward Paxson, It is ordered that Geo. J. Banigan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Byron G. Rogers, It is ordered that Richard C. Hunter, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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John G. Ruhlin, Jennie B. Ruhlin, John B. Ruhlin, et al.,

Petitioners,

596 vs.

New York Life Insurance Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Pennsylvania

for further proceedings in conformity with the opinion of this Court, with directions to permit such amendments of the pleadings as may be necessary for that purpose.

Per Mr. Justice Reed.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Petroleum Exploration, Inc., Appellant, vs. Public Service Commission of Kentucky, et al. — Appeal from the District Court of the United States for the Eastern District of Kentucky.

705

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Kentucky, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Mr. Justice McReynolds concurs in the result.

Mr. Justice Stone concurs, except that he expresses no opinion on the applicability of the Johnson Act.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Arkansas Fuel Oil Company, Appellant, vs. State of Louisiana ex rel. Hyman Muslow. — Appeal from the Court of Appeal, Second Circuit, State of Louisiana.

760

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeal, Second Circuit, State of Louisiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeal, in this cause,

be, and the same is hereby, affirmed with costs, and interest at the same rate per annum that similar judgments bear in the courts of the State of Louisiana.

Per Mr. Justice Black.

Mr. Justice Stone concurs in the result.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Crown Cork & Seal Company, Inc., Petitioner, vs. Ferdinand Gutmann Co., Inc. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

72

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for decision of the other issues in the case in conformity with the opinion of this Court.

Per Mr. Justice Butler.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black.

General Talking Pictures Corporation, Petitioner, vs. Western Electric Company, Inc., Electrical Research Products, et al. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

357

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decrees of the said United States Circuit Court of Appeals, in this cause, be, and the same ~~is~~ are hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Butler.

Mr. Justice Roberts, Mr. Justice Cardozo, and Mr. Justice Reed took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black.

Pacific National Company,
Petitioner,
528. vs.
Galen H. Welch, Former Collector of Internal Revenue for the Sixth District of California.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Justice Butler.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

The United States,
Petitioner,
667 vs.
Harry A. Kaplan.

On writ of certiorari to the Court of Claims.

This cause came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Butler.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

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The Chief Justice announced the following order of the Court:

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Arizona Publishing Company, Appellant,	Appeal from the District Court
	of the United States for the
960 vs.	District of Arizona.
D. C. O'Neil, Thad M. Moore, and Frank Luke, as Members of and Constituting the State Tax Commission of Arizona.	

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Arizona, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Elza O. Wyatt,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Paysoff Tinkoff,

Petitioner.

18, Original.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ex Parte Paysoff Tinkoff,

Petitioner.

18, Original.

Motion for leave to file petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ex Parte Basil H. Pollitt,

Petitioner.

19, Original.

Motion for leave to file petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ex Parte Basil H. Pollitt,

Petitioner.

19, Original.

ON CONSIDERATION OF THE MOTION for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Basil H. Pollitt,

Petitioner.

19, Original.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Heber L. Hicks,

Petitioner,

1003 vs.

State of Indiana.

ON CONSIDERATION of the motion for stay of execution in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Heber L. Hicks,

Petitioner,

1003 vs.

State of Indiana.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Heber L. Hicks,

Petitioner,

1003 vs.

The State of Indiana.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James L. McDonald,

Petitioner,

971 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James L. McDonald,

Petitioner,

971 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward P. Simpson,

Petitioner,

981 vs.

Commonwealth of Massachusetts.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward P. Simpson,
Petitioner,
981 vs.
Commonwealth of Massachusetts.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Massachusetts, County of Middlesex.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Massachusetts, County of Middlesex, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Georgia M. Spruill,
Petitioner,
985 vs.
Harryman Dorsey.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Georgia M. Spruill,
Petitioner,
985 vs.
Harryman Dorsey.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Waialua Agricultural Company, Limited,

Petitioner,

Order allowing certiorari.

904 vs.

Eliza R. P. Christian, an Incompetent Person, by Herman V. von Holt, Her Guardian, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Eliza R. P. Christian, an Incompetent Person, by Herman V. von Holt, Her Guardian,

Petitioner,

Order allowing certiorari.

909 vs.

Waialua Agricultural Company, Limited.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

City of Philadelphia,

Petitioner,

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

891 vs.

Union Traction Company of Philadelphia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, dismissed as premature.

Per Mr. Chief Justice Hughes.

Oscar Bartolini,

Petitioner,

969 vs.

Commonwealth of Massachusetts.

ON CONSIDERATION of the motion for leave to proceed on typewritten petition, brief, and record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Oscar Bartolini,

Petitioner,

969 vs.

Commonwealth of Massachusetts.

On petition for writ of certiorari to the Superior Court of the Commonwealth of Massachusetts, County of Norfolk.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of the Commonwealth of Massachusetts, County of Norfolk, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

International Mercantile Marine Company,

Petitioner,

890 vs.

Samuel S. Lowe, Deputy Commissioner, United States Employees' Compensation Commission, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sherman E. Odom and Bertha C. Stephens,

Petitioners,

894 vs.

New York Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sherman E. Odom and Mamie C. Odom,

Petitioners,

895 vs.

New York Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York Life Insurance Company,

Petitioner,

897 vs.

R. H. Golightly, Administrator of the Estate of Byrd H. Golightly, Deceased, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fox & London, Inc., Petitioner, vs. The Pennsylvania Railroad Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

898

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gulf Refining Company, Employer, and the Employers' Liability Assurance Corporation, Ltd., Petitioners, vs. Augustus P. Norton, Deputy Commissioner for the Third Compensation District of the United States Employees' Compensation Commission, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

900

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Tampa Interocean Steamship Company, Petitioner, vs. Sigvald Jorgensen. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

903

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Peoples Life Insurance Company,
Petitioner,
906 vs.
Pearl O. Whitside, Administratrix, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pacific-Atlantic Steamship Co. and Steamship "San Vincente",
Petitioners,
922 vs.
Weyerhaeuser Timber Co., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wil-Low Cafeterias, Inc., and Unsecured Creditors' Committee (Harry V. Chasan, Chairman),
Petitioners,
967 vs.
650 Madison Avenue Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frederick S. Deitrick, Receiver, etc., et al.,

Petitioners,

455 vs.

Standard Security & Casualty Co. of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert Jacob, Inc.,

Petitioner,

844 vs.

Emely Gunnarson, as Administratrix, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Quick Action Ignition Company,

Petitioner,

856 vs.

Briggs & Stratton Corporation.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

IT IS ORDERED by the Court that Thomas Ennals Waggaman be, and he is hereby, appointed Marshal of this Court in the place of Frank K. Green, deceased.

Per Mr. Chief Justice Hughes.

Mr. Waggaman took the oath of office and presented a bond in the penal sum of twenty thousand dollars as required by law, which was approved, and entered upon the duties of his office. Said oath of office and bond are in the following words and figures, viz:

"SUPREME COURT OF THE UNITED STATES

October Term, 1937.

"I, THOMAS ENNALLS WAGGAMAN, do solemnly swear that I will faithfully execute all lawful precepts directed to the Marshal of the Supreme Court of the United States and true returns make, and in all things well and truly and without malice or partiality perform the duties of the office of Marshal of the Supreme Court of the United States during my continuance in said office.

"So help me God.

Thomas Ennalls Waggaman

Subscribed and sworn to
before me this 3d
day of May, A. D. 1938.

Charles Elmore Cropley
Clerk of the Supreme Court

(S E A L) of the United States."

"KNOW ALL MEN BY THESE PRESENTS: That THOMAS E. WAGGAMAN, of Falls Church, Virginia, as Principal, and the THE FIDELITY AND CASUALTY COMPANY OF NEW YORK, as Surety, are held and firmly bound unto the UNITED STATES OF AMERICA in the penal sum of TWENTY THOUSAND DOLLARS ($20,000.00), lawful money of the United States to be paid to the said United States, or their certain attorney, which payment well and truly to be made, we bind ourselves, our and each of our heirs, executors, administrators, and assigns, jointly and severally, firmly by these presents.

"Sealed with our seals and dated this second day of May, 1938.

"WHEREAS, the above bounden THOMAS E. WAGGAMAN, hath been appointed Marshal of the Supreme Court of the United States;

"NOW, THEREFORE, the condition of the above obligation is such that if the said THOMAS E. WAGGAMAN shall faithfully discharge the duties of his said office, and shall well and faithfully keep, disburse, pay over and account for according to law, the moneys that may come into his hands as such Marshal aforesaid, then this obligation to be void, otherwise to remain in full force and virtue in law.

"WITNESSES:

Lee A. Glascock — Thos. E. Waggaman (SEAL)

THE FIDELITY AND CASUALTY COMPANY OF NEW YORK

Lee A. Glascock — By George A. Griffin (SEAL)
George A. Griffin - Atty.

"The within and foregoing bond is hereby approved as to form, the sufficiency of the amount thereof and the sufficiency of the Surety thereon.

Charles Evans Hughes
Chief Justice of the United States"

O R D E R

The Court will take a recess from today until Monday, May 16; from that day until Monday, May 23, and from that day until Tuesday, May 31, upon which day it will adjourn for the term.

No motions, except motions for admission to practice, will be received after Monday, May 23.

Per Mr. Chief Justice Hughes.

Filed May 7, 1938; entered nunc pro tunc as of May 2, 1938.

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Elmer W. Kelley, et al.,

Petitioners,

304 vs.

The City of Atlantic City, et al.

Motion for leave to file second petition for rehearing submitted by Mr. Harold E. Stonebraker for the Petitioners.

The United States,

Petitioner,

668 vs.

Shoshone Tribe of Indians of the Wind River Reservation in Wyoming.

Motion that the mandate in this case issue forthwith submitted by Mr. Charles J. Kappler for the Respondent.

The United States,

Petitioner,

668 vs.

Shoshone Tribe of Indians of the Wind River Reservation in Wyoming.

ON CONSIDERATION of the motion of counsel for the Respondent that the mandate in this case issue forthwith,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

The United States,

Appellant,

707 vs.

The Klamath and Modoc Tribes and Yahooskin Band of Snake Indians.

Motion that the mandate in this case issue forthwith submitted by Mr. T. Hardy Todd for the Appellees.

The United States,

Appellant,

707 vs.

The Klamath and Modoc Tribes and Yahooskin Band of Snake Indians.

ON CONSIDERATION of the motion of counsel for the Appellees that the mandate in this case issue forthwith,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

The State of Nebraska,

Complainant,

9, Original vs.

The State of Wyoming and the State of Colorado.

Argument on the motion of the United States for leave to intervene and on the objections of the several States thereto commenced by Mr. Assistant Attorney General McFarland for the United States; continued by Mr. Paul F. Good for the Complainant; by Mr. Byron G. Rogers for the impleaded Defendant, State of Colorado; by Mr. Robert R. Rose for the Defendant, State of Wyoming; and concluded by Mr. Assistant Attorney General McFarland for the United States.

Proposed form of order to be prepared by counsel and submitted for the consideration of the Court.

Federal Power Commission,

Petitioner,

915 vs.

Metropolitan Edison Company, et al.

Argued by Mr. Oswald Ryan for the Petitioner and by Mr. Walter Biddle Saul and Mr. Edward F. Huber for the Respondents.

Leave granted Respondents to file additional brief on or before Friday next.

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Proclamation being made the Court is adjourned until Monday, May 16, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

George Schwolsky, Esquire, of Hartford, State of Connecticut;

Marion J. Harron, (Miss) of San Francisco, State of California;

Lee L. Ottaway, Esquire, of Jamestown, State of New York;

John E. Durkin, Esquire, of Jamestown, State of New York;

Harold E. Stafford, Esquire, of Honolulu, Territory of Hawaii;

Richard Benjamin Crawford, Esquire, of Louisville, State of Kentucky;

Henry Upson Sims, Esquire, of Birmingham, State of Alabama; and

William F. McKenna, Esquire, of Meriden, State of Connecticut;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Arnold, It is ordered that Paul Farthing, Esquire, of Belleville, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurman W. Arnold, It is ordered that Frances A. Doolittle, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thurman W. Arnold, It is ordered that H. J. Doolittle, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Bankhead, 2nd, It is ordered that Crampton Harris, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Murray, It is ordered that Samuel K. Beier, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Prentiss M. Brown, It is ordered that Arthur J. Butler, Esquire, of Big Rapids, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that

Robert W. Pharr, Esquire, of Memphis,
State of Tennessee;

Cass March, Esquire, of Forth Worth,
State of Texas;

James Glenn Turner, Esquire, of Dallas,
State of Texas; and

Joe Utay, Esquire, of Dallas,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Dockweiler, It is ordered that Clayton L. Howland, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morgan G. Sanders, It is ordered that Frank Bezoni, Esquire, of Tyler, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earl C. Michener, It is ordered that Benjamin Kleinstiver, Esquire, of Jackson, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward R. Burke, It is ordered that Frederick S. Berry, Esquire, of Wayne, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur H. Greenwood, It is ordered that Joseph W. Kimmell, Esquire, of Vincennes, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that Otto T. Englehart, Esquire, of Brazil, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Oscar P. May, Esquire, of Atchison, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel B. Pettengill, It is ordered that

Arthur Lucius Hubbard, Jr., Esquire, of Philadelphia, State of Pennsylvania;

Frederic M. Thompson, Jr., Esquire, of La Porte, State of Indiana; and

George L. Denny, Esquire, of Indianapolis, State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Barse, It is ordered that Catherine Mary Stafford, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Sutherland, It is ordered that R. Emerson Gardner, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen McKevett Farrand, It is ordered that Edward W. Tuttle, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert A. Jones, It is ordered that Aaron Frank, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Melvin Neff, It is ordered that William H. C. Taylor, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur Garfield Higgs, It is ordered that Harry Fruden Cooper, Esquire, of Murphy, North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur Garfield Higgs, It is ordered that Joseph Henry Blackshear, Esquire, of Gainesville, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis I. McCanna, It is ordered that Edward Matthew McEntee, Esquire, of Providence, State of Rhode Island, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Wyatt, It is ordered that John C. Baumann, Esquire, of Warrensburg, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Wyatt, It is ordered that Frederic Solomon, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth O. Hoisler, It is ordered that John L. FitzGerald, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vincent L. Toomey, It is ordered that John B. Sheerin, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel H. Cady, It is ordered that Otis Lowell Hastings, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther E. Birdzell, It is ordered that William M. Moroney, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Gerard Hartzog, It is ordered that J. Fred Buzhardt, Esquire, of McCormick, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Gerard Hartzog, It is ordered that J. Strom Thurmond, Esquire, of Edgefield, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Hughes, Jr., It is ordered that Frank Romano, Esquire, of Hoboken, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Basil P. Cooper, It is ordered that James Abell Mills, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Marshall, It is ordered that Helen E. McGuire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jerome N. Frank, It is ordered that Lee Pressman, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Adolf A. Berle, Jr., It is ordered that Florence de Haas Kerbitz, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jack Bernard Tate, It is ordered that Elliott H. Moyer, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David H. Schreiber, It is ordered that Lester P. Schoene, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Wm. J. Kielly, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence E. Gorman, It is ordered that Walter E. Powell, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard S. Doyle, It is ordered that Donn Verner Smythe, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer L. McCormick, It is ordered that Agnes I. McIntyre, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis W. Hill, Jr., It is ordered that James H. Linton, Esquire, of Jefferson City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Roy Smith, It is ordered that Charles K. Chapman, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph A. Cusick, It is ordered that Walter L. Mann, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel W. McIntosh, It is ordered that C. R. Ellery, Esquire, of Cheyenne, State of Wyoming, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. T. Hardy Todd, It is ordered that Joseph C. O'Neill, Esquire, of Klamath Falls, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond M. Hudson, It is ordered that Raymond Minor Hudson, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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General Electric Company,
Petitioner,
vs.
Wabash Appliance Corporation, Abe Adler and Abe M. Parker.

453

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York.

Per Mr. Justice Reed.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,
Petitioner,
vs.
Sherman Kidwell.

782

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this

cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,

Petitioner,

783 vs.

Dewey Smith.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,

Petitioner,

784 vs.

Allen Collins.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged

by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,

Petitioner,

vs.

Walter Owens.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

785

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,

Petitioner,

786 vs.

Frank Peel.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,

Petitioner,

787 vs.

Bennie Jones.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

UPON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,

Petitioner,

vs.

Henry Stone.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

788

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia,

Petitioner,

vs.

Jeffie D. Sullivan.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

789

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

J. D. Adams Manufacturing Company, Appellant, vs. William Storen, as Chief Administrative Officer of the Department of Treasury of the State of Indiana, et al. — Appeal from the Supreme Court of the State of Indiana.

641

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed relative to the tax demanded on Appellant's gross income from its business in interstate commerce and, as respects the tax on interest received from obligations issued by municipalities of the State, the judgment is affirmed, one-fourth the costs in this Court to be taxed against the Appellant and three-fourths against the Appellees.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Dissenting: Mr. Justice McReynolds.

Opinion by Mr. Justice Black dissenting in part.

National Labor Relations Board, Petitioner, vs. Mackay Radio & Telegraph Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

706

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be,

and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Robert A. Taft, Executor of the Estate of Anna S. Taft, Deceased,

Petitioner,

746 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Lowe Brothers Company,

Petitioner,

864 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Ohio.

Per Mr. Justice Stone.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

The St. Louis Brownsville and Mexico Railway Company, et al.,

Petitioners,

300 vs.

Brownsville Navigation District of Cameron County, Texas, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of Texas for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Butler.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

D. B. Heiner, Individually and as Former Collector of Internal Revenue for the Twenty-third District of Pennsylvania,

Petitioner,

144 vs.

Paul Mellon, David K. E. Bruce, and Donald D. Shepard, Executors of the Estate of A. W. Mellon, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Brandeis.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

D. B. Heiner, Individually and as Former Collector of Internal Revenue for the Twenty-third District of Pennsylvania,

Petitioner,

145 vs.

Jennie King Mellon, Richard King Mellon, Sarah Mellon Scaife, et al., etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Pennsylvania for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Brandeis.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

723 vs.

National Grocery Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Brandeis.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Mr. Justice McReynolds and Mr. Justice Butler are of the opinion that the judgment below should be affirmed.

Richard E. Lang, Executor, and Grace E. Lang, Executrix, of the Estate of Julius C. Lang, Deceased,

919 vs.

Commissioner of Internal Revenue.

On certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

The United States Circuit Court of Appeals for the Ninth Circuit having certified to this Court certain questions of law in this cause concerning the amount of proceeds from certain life insurance policies to be included in the estate of Julius C. Lang, deceased, under the Revenue Act of 1926, and the cause having been argued by counsel;

ON CONSIDERATION WHEREOF, It is ordered that the questions, as restated by this Court, be, and they are hereby, answered as follows:

1. Must the total or only one-half of the proceeds collected under the insurance policies issued after marriage on the deceased husband's life be reckoned as part of his gross estate, the wife being sole beneficiary and all premiums having been paid from community funds? To this we answer, only one-half.

2. Must the total proceeds of the policy upon a decedent's life, taken out after marriage, children being the sole beneficiaries, and all premiums having been paid from community funds, be reckoned as part of his gross estate; or, in the circumstances, is only one-half to be included? To this we reply, only one-half should be included.

3. Must all proceeds of the policies issued before marriage upon the deceased husband's life be reckoned as part of his gross estate, the wife being sole beneficiary, the first premium having been paid from his separate funds, and all subsequent ones from community funds; or, in the circumstances, is the total received under the policy reduced by one-half of that proportion of such total which premiums satisfied with community funds bear to all premiums paid, the amount to be regarded as belonging to the gross estate? To this we reply, only the total proceeds less one-half of the indicated proportion becomes part of the gross estate.

WHEREUPON, It is ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice McReynolds.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Lone Star Gas Company,

Appellant,

313 vs.

State of Texas, The Railroad Commission of Texas, et al.

Appeal from the Court of Civil Appeals for the Third Supreme Judicial District of the State of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Civil Appeals for the Third Supreme Judicial District of the State of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Civil Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Civil Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Justice Black.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

International Ladies' Garment Workers' Union, etc., et al.,

Appellants,

801 vs.

Donnelly Garment Company, Donnelly Garment Sales Company, and Donnelly Garment Workers' Union, etc., et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, vacated at the cost of the Appellants; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings to be taken independently of Section 3 of the Act of August 24, 1937.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

California Water Service Company and Carlo Veglia,

Appellants,

976 vs.

The City of Redding, A. H. Gronwoldt, Mayor of Said City, et al.

Appeal from the District Court of the United States for the Northern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of California, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion of the Appellees to affirm the decree herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Federal Trade Commission,

Petitioner,

756 vs.

The Goodyear Tire & Rubber Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for a determination of the merits.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone, Mr. Justice Cardozo, and Mr. Justice Reed took no part in the consideration and decision of this case.

New York Life Insurance Company,

Petitioner,

869 vs.

Clarence G. Jackson, Edna A. Jackson and Edna A. Jackson, Guardian ad Litem of Clarence G. Jackson.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

New York Life Insurance Company,

Petitioner,

869 vs.

Clarence G. Jackson, Edna A. Jackson and Edna A. Jackson, Guardian ad Litem of Clarence G. Jackson.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

Esther Rosenthal,
Petitioner,
924 vs.
New York Life Insurance Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Esther Rosenthal,
Petitioner,
924 vs.
New York Life Insurance Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

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The Chief Justice announced the following order of the Court:

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The Tax Commission of Ohio,
Petitioner,
vs.
Rollin A. Wilbur and the National City Bank of Cleveland, Ohio, Co-trustees of the Estate of James Parmelee, Deceased.

On writ of certiorari to the Court of Appeals of Cuyahoga County, State of Ohio.

215

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of Cuyahoga County, State of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the writ of certiorari in this cause be, and the same is hereby, dismissed as it appears upon argument that the judgment sought to be reviewed rests upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Northern Pacific R. R. Co., by Charles E. Schmidt, et al., etc.,
Petitioners,
vs.
The United States of America, et al.; and

Charles E. Schmidt, et al., etc.,
Petitioners,
vs.
The United States of America, et al.

ON CONSIDERATION of the applications for the allowance of an

appeal in these cases, presented to the Chief Justice and referred by him to the Court,

IT IS ORDERED by this Court that the said applications be, and the same are hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Clarence M. Brummitt,

Petitioner.

—, Original.

ON CONSIDERATION of the application filed herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Joseph J. McCarthy,

Petitioner.

—, Original.

ON CONSIDERATION of the application filed herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of California,

Complainant,

20, Original vs.

Murray W. Latimer, et al.

ON CONSIDERATION of the motion for leave to file the bill of complaint in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and process is ordered to issue returnable on Monday, October 3, next.

Per Mr. Chief Justice Hughes.

The State of Nebraska,

Complainant,

9, Original vs.

The State of Wyoming, Defendant, and The State of Colorado, Impleaded Defendant.

O R D E R

The United States having moved for leave to intervene herein, and the States of Nebraska, Wyoming, and Colorado having filed their objections to the granting of such motion, and the Court having heard argument by counsel upon the motion and objections;

It is now here ORDERED and ADJUDGED as follows:

1. The motion of the United States for leave to intervene as a party herein is granted;

2. The United States shall have leave to file a petition of intervention within thirty days, with leave to the States of Nebraska, Wyoming, and Colorado within thirty days thereafter to file their answers thereto;

3. The record and testimony already received and exhibits filed shall stand as against the United States as the record of evidence in the cause to this date; but the United States shall be permitted to introduce such evidence as it may deem necessary to correct and supplement such testimony and exhibits;

4. This order shall be without prejudice to the determination on final decree of any of the substantive questions of law or fact advanced or to be advanced by any of the parties herein;

5. The States of Nebraska, Wyoming and Colorado agree, and it is hereby ordered that, the United States may amend its petition at any time hereafter during the proceedings herein;

6. The orders heretofore entered with respect to reference to the Special Master are hereby extended to include the issues raised or to be raised by the intervention of the United States.

Per Mr. Chief Justice Hughes.

The State of Georgia,

Complainant,

1, Original vs.

The Tennessee Copper Company, et al.

D E C R E E

THIS CAUSE came on to be further and finally heard at this term, the Joint Motion of the State of Georgia and Tennessee Copper Company to dismiss the Bill of Complaint having been granted, and thereupon, upon consideration thereof,

It is accordingly ORDERED, ADJUDGED and DECREED:

(1) That all of the properties of The Ducktown Sulphur, Copper & Iron Company, Ltd., one of the original defendants, in Polk County, Tennessee, were purchased on November 24, 1925, by Ducktown Chemical & Iron Company, a Delaware corporation, and on August 31, 1936, all of the properties of that company in said county were purchased by Tennessee Copper Company, which is also one of the original defendants, and the plants in said county at Copperhill and Isabella are both being operated by Tennessee Copper Company.

(2) That all orders and decrees which have heretofore been entered in this cause against The Ducktown Sulphur, Copper & Iron Company, Ltd., and Tennessee Copper Company be and the same are hereby vacated excepting insofar as they relate to the taxation of costs, and the cause is dismissed and stricken from the docket.

Per Mr. Chief Justice Hughes.

The State of Georgia,

Complainant,

1, Original vs.

The Tennessee Copper Company, et al.

A rule is ordered to issue returnable on May 26, next, requiring the Ducktown Chemical & Iron Company to show cause why it should not pay costs charged against the defendant, Ducktown Sulphur, Copper & Iron Company, Ltd.

Per Mr. Chief Justice Hughes.

General Talking Pictures Corporation,

Petitioner,

357 vs.

Western Electric Company, Inc., et al.

IT IS ORDERED that the opinion in this cause be amended by striking from the last sentence of the opinion the word "original" and by inserting in its place the word "continuation," and by striking therefrom the words "the continuation applications" and inserting in their place the word "they". As amended, the sentence reads as follows:

"In the absence of intervening adverse rights for more than two years prior to the continuation applications, they were in time."

Per Mr. Chief Justice Hughes.

Tom Conway,

Petitioner,

943 vs.

Clay Allen, Judge of Superior Court, Seattle, Washington, et al.

ON CONSIDERATION of the suggestion of a diminution of the record and motion for writ of certiorari in this cause,

IT IS ORDERED by this Court that the said motion for a writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Tom Conway,

Petitioner,

943 vs.

Clay Allen, Judge of Superior Court, Seattle, Washington, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Tennessee Electric Power Company, et al.,

Appellants,

975 vs.

Tennessee Valley Authority, et al.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this question.

The Polk Company, et al.,

Appellants,

991 vs.

Manuel M. Glover, as County Solicitor of Polk County, Florida.

In this case probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

James E. Davidson,

Petitioner,

Order allowing certiorari.

912 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

J. O. Stoll,

Petitioner,

vs.

William Gottlieb.

Order allowing certiorari.

920

The petition herein for a writ of certiorari to the Supreme Court of the State of Illinois is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

vs.

Continental National Bank and Trust Company, Trustee Under the Last Will and Testament of James Duggan, Deceased, et al.

Order allowing certiorari.

934

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Hiram Steelman, Trustee in Bankruptcy of William Fox, Bankrupt,

Petitioner,

vs.

All Continent Corporation and Eva Fox.

Order allowing certiorari.

941

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Consolidated Edison Company of New York, Inc., and Its Affiliated Companies, et al.,

Petitioners,

916 vs.

National Labor Relations Board, et al.

Order allowing certiorari.

The petition herein for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

International Brotherhood of Electrical Workers, et al.,

Petitioners,

957 vs.

National Labor Relations Board, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Wm. H. Neblett, Vernon Bettin, William George Dickinson and Alfred E. MacDonald,

Petitioners,

921 vs.

Samuel L. Carpenter, Jr., Insurance Commissioner of the State of California, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of California is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

Herman Blumgart, Luis G. Egger and Clarence F. Anderson, etc.,
Petitioners,
vs.
St. Louis-San Francisco Railway Company.

958

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Brandeis took no part in the consideration or decision of this application.

Pennsylvania Public Utility Commission,
Petitioner,
vs.
Union Traction Company of Philadelphia, et al., etc.

961

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Sam Shama,
Petitioner,
vs.
The United States of America.

899

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Bankers Mortgage Company of Topeka, Kansas, et al.,

Petitioners,

901 vs.

H. H. Motter, Collector of Internal Revenue for the District of Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rafael Sancho Bonet, Treasurer,

Petitioner,

908 vs.

Clarence H. Bowie, et al., Trustees.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Herbert Harger,

Petitioner,

911 vs.

Oklahoma Gas & Electric Company.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edith L. Davidson,
Petitioner,
913 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Theo S. Gilmore, Guardian, etc.,
Petitioner,
925 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ferris Smith,
Petitioner,
935 vs.
Metropolitan Life Insurance Company, Charles H. Albers, as Receiver of Cody Trust Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Carbon Company, Inc., Petitioner, vs. The Western Shade Cloth Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

936

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pulitzer Publishing Company, Petitioner, vs. Current News Features, Inc. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

939

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Century Indemnity Company, Petitioner, vs. Standard Cahill Co., Inc. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

950

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Union Central Life Insurance Company, et al.,

Petitioners,

951 vs.

Bank of Commerce & Trust Company of Memphis, Tennessee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

City of Fort Worth,

Petitioner,

955 vs.

George B. McCamey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Connecticut Railway and Lighting Company,

Petitioner,

959 vs.

The Connecticut Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Crescent Wharf & Warehouse Company and Pacific Employers Insurance Company,

Petitioners,

914 vs.

Warren H. Pillsbury, Deputy Commissioner of the United States Employees' Compensation Commission for the 13th District and Alfred E. Hunter.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Regina V. G. Millhiser, et al.,

Petitioners,

926 vs.

The Chase National Bank of the City of New York, as Trustee, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Augusta Z. Bentley,

Petitioner,

933 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Industrial Trust Company, Agnes Parks Winslow and Johnson W. Parks, etc.,

Petitioners,

940 vs.

Joseph V. Broderick, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph John Davilla,

Petitioner,

942 vs.

The Brunswick-Balke-Collender Co. of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jonas Brittain,

Petitioner,

952 vs.

Louisville & Nashville Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George E. Warren Corporation,
Petitioner,
953 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hartford Transportation Company,
Petitioner,
956 vs.
Lee Transit Corporation, as Owner of the Tug "Grace Ann Lee".

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Oliver-Sherwood Co. and the B. F. Goodrich Company,
Petitioners,
962 vs.
Patterson Ballagh Corporation and William I. Bettis.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Lecithin Company,
Petitioner,
968 vs.
J. C. Ferguson Mfg. Works, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Stoody Company,
Petitioner,
977 vs.
Mills-Alloys, Inc. and Oscar L. Mills.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elmer W. Kelley, et al.,
Petitioners,
304 vs.
The City of Atlantic City and
Harry Bacharach.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Elmer W. Kelley, et al.,

Petitioners,

304 vs.

The City of Atlantic City and
Harry Bacharach.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rafael Sancho Bonet, Treasurer
of Puerto Rico,

Petitioner,

831 vs.

Pedro Acevedo Quiles; and

Rafael Sancho Bonet, Treasurer
of Puerto Rico,

Petitioner,

832 vs.

Valiente & Co.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Standard Marine Insurance Company, Limited,

Petitioner,

846 vs.

Westchester Fire Insurance Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Highway Engineering & Construction Company, Inc.,

Petitioner,

858 vs.

Hillsborough County.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred F. Florence, et al.,

Petitioners,

889 vs.

R. E. Crummer.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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In the Matter of the Petition of the National Labor Relations Board, &c.

21, Original.

Motion for leave to file and petition for writs of prohibition and mandamus.

The motion for leave to file the petition is granted and a rule is ordered to issue directed to the Honorable Joseph Buffington, the Honorable J. Warren Davis, the Honorable J. Whitaker Thompson, Circuit Judges of the Third Judicial Circuit, and the other judges and officers of the United States Circuit Court of Appeals for the Third Circuit, to show cause why the relief should not be granted as prayed.

Said rule shall be returnable on Monday, May 23, at twelve o'clock, when the parties will be heard upon the question of the jurisdiction of the Circuit Court of Appeals to make the order complained of.

Per Mr. Chief Justice Hughes.

United States, ex relatione Societe de Condensation et D'applications Mecaniques,

Petitioner,

298 vs.

Conway P. Coe, Commissioner of Patents.

Motion for leave to file second petition for rehearing submitted by Mr. Reeve Lewis for the Petitioner.

State of Missouri,

Complainant,

16, Original vs.

State of Iowa.

Joint motion for the appointment of a Special Master presented.

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Proclamation being made the Court is adjourned until Monday, May 23, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that D. Roland Potter, Esquire, of Mount Pleasant, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Sherwood E. Hall, Esquire, of White Plains, State of New York;

Clifford A. Russell, Esquire, of Jamestown, State of New York;

David R. Shelton, Esquire, of New York, State of New York; and

Thomas G. Carney, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. B. K. Wheeler, It is ordered that George Hinman Folsom, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest Lundeen, It is ordered that Frank P. Ryan, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jesse P. Wolcott, It is ordered that Arthur W. Mann, Esquire, of Port Huron, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that

R. O. Ingle, Esquire, of Sallisaw,
State of Oklahoma;

Marion Floyd Green, Esquire, of Sallisaw,
State of Oklahoma; and

James F. Green, Esquire, of Sallisaw,
State of Oklahoma;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew M. Hood, It is ordered that

Hiram C. Bolsinger, Esquire, of Cincinnati,
State of Ohio; and

Joseph H. Hoodin, Esquire, of Cincinnati,
State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that

Willett H. Parr, Jr., Esquire, of Lebanon,
State of Indiana;

Willett H. Parr, Esquire, of Lebanon,
State of Indiana; and

Ara Allen Parr, Esquire, of Lebanon,
State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard B. Russell, Jr., It is ordered that Hugh Peterson, Esquire, of Ailey, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, It is ordered that Louis B. Englander, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Ida Jaxin Fox, It is ordered that Arlyne Lansdale, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward B. Reardon, It is ordered that Humphrey Statter, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis A. Gravelle, It is ordered that Chas. L. Vaughan, Esquire, of Lafayette, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Fitts, It is ordered that Clifford J. Durr, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that Margaret Mettys Hall, of Modesto, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howe P. Cochran, It is ordered that Mark I. Avramo, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Ristine, It is ordered that Elmer L. Corbin, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Butler, It is ordered that Hyman S. Subrin, Esquire, of Akron, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Myron Melvin Cohen, It is ordered that Max Chopnick, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Wilmer, It is ordered that

Roger C. Clement, Esquire, of New York, State of New York; and

William D. Fuguet, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E.

Barry, It is ordered that

Harry S. Mackey, Esquire, of Washington, District of Columbia; and

Donald G. Welch, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abraham Chasanow, It is ordered that Fred C. Sacks, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Cogger, It is ordered that John B. Jago, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles W. Clagett, It is ordered that James William Gill, Esquire, of Silver Spring, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward T. Cauley, It is ordered that Jeremiah T. Driscoll, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph William Burns, It is ordered that

Thomas I. Sheridan, Esquire, of New York, State of New York; and

Philip Warren, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Gilmore Beely, It is ordered that Anne McDonald, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Raymond C. Cushwa, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther E. Birdzell, It is ordered that Henry MacDonald, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alger Hiss, It is ordered that

William H. Vodrey, Jr., Esquire, of East Liverpool, State of Ohio; and

William H. Vodrey, Esquire, of East Liverpool, State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard G. Radue, It is ordered that Howard Nelson Moore, Esquire, of Wheeling, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that Frederic Arnold Daum, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gregory Hankin, It is ordered that Elden Peter Schrup, Esquire, of Dubuque, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert M. Miller, It is ordered that Chas. E. Donnelly, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph J. Malloy, It is ordered that Ivan Heiderman, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Abbot I. Mills, It is ordered that Chester Welde Cuthell, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl L. Ristine, It is ordered that Daniel C. Rogers, Esquire, of Fayette, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

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John A. Johnson,

Petitioner,

699 vs.

Fred G. Zerbst, Warden, United States Penitentiary, Atlanta, Georgia.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of

Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Reed concurs in the reversal.

Mr. Justice McReynolds is of opinion that the judgment of the court below should be affirmed.

Mr. Justice Butler is of the opinion that the record shows that petitioner waived the right to have counsel, that the trial court had jurisdiction, and that the judgment of the Circuit Court of Appeals should be affirmed.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Marion H. Allen, Collector of Internal Revenue for the District of Georgia,

Petitioner,

882 vs.

Regents of the University System of Georgia.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Black concurs in the result.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Opinion by Mr. Justice Reed concurring in the result.

Opinion by Mr. Justice Stone concurring in the result.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

779 vs.

Philip L. Gerhardt.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Black.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

780 vs.

Billings Wilson.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Black.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

781 vs.

John J. Mulcahy.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration or decision of this case.

Concurring opinion by Mr. Justice Black.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

Aetna Insurance Company,

Petitioner,

773 vs.

United Fruit Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Stone.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Union Marine & General Insurance Company, Ltd., Formerly Union Marine Insurance Company, Ltd.,

Petitioner,

774 vs.

United Fruit Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Stone.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Boston Insurance Company,

Petitioner,

775 vs.

United Fruit Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Stone.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

William Mahoney, as Liquor Control Commissioner of the State of Minnesota, et al.,

Appellants,

761 vs.

Joseph Triner Corporation.

Appeal from the District Court of the United States for the District of Minnesota.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Minnesota, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Brandeis.

Mr. Justice Reed concurs in the result.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Federal Power Commission,

Petitioner,

915 vs.

Metropolitan Edison Company, Northern Pennsylvania Power Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with direction to dismiss the Respondents', Metropolitan Edison Company, et al., petition.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts and Mr. Justice Cardozo took no part in the consideration and decision of this case.

The State of Oklahoma, Upon the Relation of Howard C. Johnson, Bank Commissioner,

Plaintiff,

—, Original. vs.

R. M. Cook.

On motion for leave to file Complaint.

THIS CAUSE came on to be heard on the motion for leave to file the Complaint herein and on the return to the Rule to Show Cause thereupon issued, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion for leave to file the Complaint herein be, and the same is hereby, denied.

AND IT IS FURTHER ORDERED that the Rule to Show Cause issued herein be, and the same is hereby, discharged.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

Floyd Hudson and Elizabeth Fitch, Executrix of the Estate of Curtis M. Fitch, Deceased,

Petitioners,

938 vs.

Pius Koonier.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Floyd Hudson and Elizabeth Fitch, Executrix of the Estate of Curtis M. Fitch, Deceased,

Petitioners,

938 vs.

Pius Koonier.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration or decision of this ca

The Laclede Gas Light Company,
Appellant,
vs.
Public Service Commission of Missouri and City of St. Louis.

Appeal from the Supreme Court of the State of Missouri.

947

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Cardozo took no part in the consideration and decision of this case.

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The Chief Justice announced the following orders of the Court:

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B. D. McAlvay, Harry M. Irwin and Andrew Henry Rose, Jr., as Administrator with Will Annexed of Andrew H. Rose, Deceased,
Appellants,
vs.
B. C. Stockwell and V. E. Stockwell.

Appeal from the Supreme Court of the State of California.

980

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

D. B. McAlvay, Harry M. Irwin and Andrew Henry Rose, Jr., as Administrator with Will Annexed of Andrew M. Rose, Deceased,

Appellants,

980 vs.

B. C. Stockwell and V. E. Stockwell.

Appeal from the Supreme Court of the State of California.

TREATING the appeal papers herein from the Supreme Court of the State of California as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John M. Hughes,

Appellant,

996 vs.

Wisconsin Tax Commission, F. V. Haboeck, Assessor of Income, et al.

Appeal from the Supreme Court of the State of Wisconsin.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr.Chief Justice Hughes.

John P. Dromey, Administrator of the Estate of Charles Jensch, Deceased,

Appellant,

997 vs.

Wisconsin Tax Commission, F. V. Haboeck, Assessor of Incomes, et al.

Appeal from the Supreme Court of the State of Wisconsin.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Hughes.

Meyer Berman,
Appellant,
vs.
Illinois Bell Telephone Company, James M. Slattery, Harry A. Barr, et al.

Appeal from the District Court of the United States for the Northern District of Illinois.

1010

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the order of the said District Court herein be, and the same is hereby, granted.

AND IT IS FURTHER ordered, adjudged, and decreed that the order of the said District Court denying the Appellant herein the right to intervene, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Dennis J. McCarthy,
Petitioner.

—, Original.

ON CONSIDERATION of the application filed herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Missouri,

Complainant,

16, Original vs.

State of Iowa.

O R D E R

The joint motion for the appointment of a Special Master is granted, and It is ordered that Samuel Williston, Esq., of Cambridge, Massachusetts, be, and he hereby is, appointed Special Master in this cause, with authority to summon witnesses, issue subpoenas, and to take such evidence as may be introduced and such as he may deem it necessary to call for.

The Master is directed to make findings of fact and conclusions of law, and to submit the same to this Court with all convenient speed, together with his recommendations for a decree. The findings, conclusions, and recommendations of the Master shall be subject to consideration, revision, or approval by the Court.

The Master shall be allowed his actual expenses and a reasonable compensation for his services to be fixed hereafter by the Court. The allowances to him, the compensation paid to his stenographic and clerical assistants, and the cost of printing his report shall be charged against and be borne by the parties in such proportion as the Court hereafter may direct.

If the appointment herein made is not accepted, or if the place becomes vacant during the recess of the Court, the Chief Justice shall have authority to make a new designation which shall have the same effect as if originally made by the Court herein.

Per Mr. Chief Justice Hughes.

Emelia Brooks, Administratrix of the Estate of Marvin Brooks, Deceased,

Petitioner,

1025 vs.

The City of Seattle.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Ex Parte Paysoff Tinkoff,

Petitioner.

1018

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr.Chief Justice Hughes.

Ex Parte Paysoff Tinkoff,

Petitioner.

1018

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank Clark,

Petitioner,

1020 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank Clark,

Petitioner,

1020 vs.

The People of the State of California.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 3d Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 3d Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward Doll,

Petitioner,

1031 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward Doll,

Petitioner,

1031 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank T. Hines, Administrator of Veterans' Affairs, United States Veterans' Administration,

Petitioner,

945 vs.

James J. Lowrey, Committee of the Person and Estate of William Garmes, an Incompetent Person.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Texas Consolidated Theatres, Inc.,

Petitioner,

966 vs.

S. H. Pittman.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Frank T. Hines, Administrator of Veterans' Affairs, United States Veterans' Administration,

Petitioner,

946 vs.

Lena Copsey, Guardian of the Estate of Raymond Copsey.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Hughes.

Holyoke Water Power Company,
Petitioner,
973 vs.
American Writing Paper Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone took no part in the consideration or decision of this application.

Globe Indemnity Company,
Petitioner,
979 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone took no part in the consideration or decision of this application.

E. I. DuPont De Nemours & Company, Incorporated,
Petitioner,
990 vs.
Waxed Products Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Northern Pacific Railway Company, Petitioner, vs. Twohy Brothers Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

1009

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration or decision of this application.

Carlisle Lumber Company, Petitioner, vs. National Labor Relations Board.

907

ON CONSIDERATION of the motion for leave to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Carlisle Lumber Company, Petitioner, vs. National Labor Relations Board. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

907

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Leo Bradshaw,

Petitioner,

954 vs.

Clyde O. Eastus, United States Attorney, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, Owner and Operator of the Cruiser "Chicago", et al.,

Petitioners,

963 vs.

Silver-Line, Limited, Owner and Operator of the British Motorship "Silverpalm", et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Eppley Hotels Company,

Petitioner,

964 vs.

City of Lincoln and Frank J. Miller, as Treasurer of the City of Lincoln, et al.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Remington Rand, Inc., Petitioner, vs. National Labor Relations Board. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

970

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. G. Arn, et al., Petitioners, vs. Ray M. Dunnett, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

972

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Consumers Construction Company, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

974

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American National Bank of Portsmouth,
Petitioner,
978 vs.
Kate Walker Ames, et al.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alamo National Bank of San Antonio, by Walter B. Napier, President, Independent Executor of the Estate of Lewis Williams Alexander, Deceased,
Petitioner,
988 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. L. W. Alexander,
Petitioner,
989 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Conway Road Estates Company,
Petitioner,
992 vs.
First National Bank of Wellston.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rita L. White, an Infant, by Her Next Friend and Mother, Emily T. White, et al.,
Petitioners,
998 vs.
Annie C. Wood.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Carolina Power & Light Company,
Petitioner,
999 vs.
South Carolina Public Service Authority, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

South Carolina Power Company,
Petitioner,
1000 vs.
South Carolina Public Service Authority, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

South Carolina Electric & Gas Company,
Petitioner,
1001 vs.
South Carolina Public Service Authority, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

City of Chicago,
Petitioner,
1012 vs.
Harry Joseph, Receiver of the West Side-Atlas-National Bank of Chicago.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Black Diamond Steamship Corporation,
Petitioner,
872 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States, ex Relatione Societe de Condensation et D'Applications Mecaniques,
Petitioner.
298 vs.
Conway P. Coe, Commissioner of Patents.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

United States, ex Relatione Societe de Condensation et D'Applications Mecaniques,
Petitioner,
298 vs.
Conway P. Coe, Commissioner of Patents.

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. L. Lynch,

Petitioner,

240 vs.

Helen Kemp (now Helen Durfey).

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

H. L. Lynch,

Petitioner,

240 vs.

Helen Kemp (now Helen Durfey).

A second petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

757 vs.

Milo W. Bekins and Reed J. Bekins, as Trustees, etc., et al., and

Lindsay-Strathmore Irrigation District,

Appellant,

772 vs.

Milo W. Bekins and Reed J. Bekins, as Trustees, etc., et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arkansas Fuel Oil Company,

Appellant,

760 vs.

State of Louisiana, ex rel.
Hyman Muslow.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

City of Fort Worth, et al.,

Petitioners,

874 vs.

Lone Star Gas Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry E. Wiese,

Petitioner,

886 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

R. J. Reynolds Tobacco Company,

Petitioner,

893 vs.

C. H. Robertson, Collector of Internal Revenue, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr.Chief Justice Hughes.

Kellogg Company,

Petitioner,

396 vs.

National Biscuit Company; and

Kellogg Company,

Petitioner,

1053 vs.

National Biscuit Company.

The motion for a stay is granted, and further proceedings in the United States District Court for the District of Delaware are stayed pending action upon the petition for writ of certiorari seeking a review of the order of the United States Circuit Court of Appeals for the Third Circuit entered May 5, 1938, recalling and clarifying the mandate, and upon the motion for leave to file a second petition for rehearing.

Per Mr. Chief Justice Hughes.

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The State of Texas,

Complainant,

11, Original vs.

The State of New Mexico, et al.

Supplemental ad interim report submitted by Mr. Charles Warren, Special Master.

Crown Cork & Seal Company, Inc.,

Petitioner,

72 vs.

Ferdinand Gutmann Co., Inc.

Motion to amend judgment submitted by Mr. William E. Warland for the Respondent in support thereof and by Mr. Thomas G. Haight, and Mr. John J. Darby for the Petitioners in opposition thereto.

Kellogg Company,

Petitioner,

396 vs.

National Biscuit Company.

Motion for leave to file a second petition for rehearing submitted by Mr. W. H. Crichton Clarke for the Petitioner.

The Schriber-Schroth Company,

Petitioner,

674 vs.

The Cleveland Trust Company, Chrysler Corporation;

The Aberdeen Motor Supply Company,

Petitioner,

675 vs.

The Cleveland Trust Company, Chrysler Corporation; and

The F. E. Rowe Sales Company,

Petitioner,

676 vs.

The Cleveland Trust Company, Chrysler Corporation.

Motion for leave to file petition for rehearing submitted by Mr. Charles E. Riordon in behalf of counsel for the Petitioners.

State of New Jersey,

Complainant,

11, Original
O.T. 1934 vs.

State of Delaware.

Motion for leave to file petition for rehearing submitted by Mr. Duane E. Minard for the Complainant.

Ex Parte Harry M. Blair,

Petitioner.

—, Original.

Motion for leave to file petition for writ of certiorari submitted by Mr. George Pfeil for the Petitioner.

Ex Parte National Labor Relations Board,

Petitioner.

21, Original.

Return to rule to show cause presented.

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Ex Parte National Labor Relations Board,

Petitioner.

21, Original.

Argued on the petition for writs of prohibition and mandamus and the return to the rule to show cause upon the question of the jurisdiction of the Circuit Court of Appeals to make the order complained of, by Mr. Robert B. Watts for the Petitioner, National Labor Relations Board, by Mr. Luther Day for Republic Steel Corporation, and submitted upon the return of the Respondents, Honorable Joseph Buffington, Honorable J. Warren Davis, and Honorable J. Whitaker Thompson, Judges of the United States Circuit Court of Appeals for the Third Circuit.

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Proclamation being made the Court is adjourned until Tuesday, May 31, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John H. Bankhead, 2nd, It is ordered that

James F. Byrnes, Esquire, of Spartanburg, State of South Carolina; and

Frank R. Broadway, Esquire, of Montgomery, State of Alabama;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that

Julian G. Gibbs, Esquire, of Washington, District of Columbia;

George C. Dayton, Esquire, of Dade City, State of Florida;

William Griffith Purcell, Esquire, of Richmond, State of Virginia;

Alfred Henry Myers, Esquire, of Cincinnati, State of Ohio;

Cedric Vogel, Esquire, of Cincinnati, State of Ohio; and

Joseph M. Pulvino, Esquire, of Rochester, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard B. Russell, Jr., It is ordered that Clifton W. Brannon, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that

H. Webb Shadle, Esquire, of Sacramento, State of California;

Percy C. Heckendorf, Esquire, of Santa Barbara, State of California;

Carl B. Sturzenacker, Esquire, of Sacramento, State of California;

Horace G. Marks, Esquire, of New York, State of New York;

H. W. Glensor, Esquire, of San Francisco, State of California;

Thomas E. Walsh, Esquire, of Washington, District of Columbia; and

Clarke B. Payne, Esquire, of Winchester, State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Londero, It is ordered that Meta S. Wooden, of Battle Creek, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fritz G. Lanham, It is ordered that Gladys Shannon, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bennett C. Clark, It is ordered that Douglas H. Jones, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. King, It is ordered that N. Andrew Olsen, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold G. Mosier, It is ordered that Richard A. Betts, Esquire, of Findlay, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bertrand Wesley Gearhart, It is ordered that

Arthur L. Johnson, Esquire, of Washington, District of Columbia; and

Frank J. Filippi, Esquire, of San Francisco, State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel B. Pettengill, It is ordered that Gallitzen A. Farabaugh, Esquire, of South Bend, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dean G. Acheson, It is ordered that H. Thomas Austern, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Willis Woolrich Metcalf, It is ordered that Thomas J. Duffy, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edgar Bronson

Tolman, It is ordered that John V. Harney, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Paul Earnest, it is ordered that Merritt B. Curtis, Esquire, of San Bernardino, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Sylvan Block, It is ordered that William J. MacGuire, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Watts, It is ordered that Owsley Vose, Esquire, of Evanston, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman J. Morrisson, It is ordered that Breedlove Smith, Esquire, of El Paso, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that Stewart Berkshire, Esquire, of El Paso, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Gray Jackson, It is ordered that

Frederick J. Shoyer, Esquire, of Philadelphia, State of Pennsylvania; and

Kendall H. Shoyer, Esquire, of Philadelphia, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin A. Lucas, It is ordered that George Wilson McKeag, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore D. Peyser, It is ordered that Edwin J. Lukas, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Josephus C. Trimble, It is ordered that

James J. Kilgallon, Esquire, of Chicago, State of Illinois; and

Joseph P. McCarthy, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Peyton R. Evans, It is ordered that Frank H. Terrell, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl L. Ristine, It is ordered that

Paul M. Peterson, Esquire, of Columbia, State of Missouri; and

Franklin E. Reagan, Esquire, of Jefferson City, State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Blanchard S. Tual, It is ordered that John W. Nance, Esquire, of Rogers, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon P. Peyton, It is ordered that Beverley R. Randolph, Jr., Esquire, of Richmond, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Northcutt Ely, It is ordered that Edwin Berman Green, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Andrew Pine, It is ordered that Roger Robb, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Royal C. Johnson, It is ordered that Ernest Russell McHale, Esquire, of West Saint Louis, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. I. Irwin Bolotin, It is ordered that Louis Zimmerman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph Bosco, It is ordered that Oscar Garcia-Rivera, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy H. Russell, Jr., It is ordered that John W. Preveiler, Esquire, of Winnetka, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence R. Gorman, It is ordered that

John P. Feeley, Esquire, of Hazleton,
State of Pennsylvania; and

Chauncey D. Everard, Esquire, of Baltimore,
State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis Charles Smith, It is ordered that Herbert Joseph Smith, Esquire, of Westerly, State of Rhode Island, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry J. Richardson, It is ordered that Arthur Kreisman, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roberts Browning Larson, It is ordered that Addison C. Ely, Esquire, of Westfield, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. M. Wolford, It is ordered that Alan B. Brown, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William A. Schnader, It is ordered that

Philip Werner Amram, Esquire, of Philadelphia,
State of Pennsylvania;

Marshall A. Coyne, Esquire, of Philadelphia,
State of Pennsylvania;

Alexander R. Staples, Esquire, of Philadelphia,
State of Pennsylvania;

Lambert Ott, Jr., Esquire, of Philadelphia,
State of Pennsylvania;

Philip Sterling, Esquire, of Philadelphia,
State of Pennsylvania;

John Hemphill, Esquire, of Philadelphia,
State of Pennsylvania;

Bernard G. Segal, Esquire, of Philadelphia,
State of Pennsylvania;

Leopold C. Glass, Esquire, of Philadelphia,
State of Pennsylvania;

Alexander Conn, Esquire, of Philadelphia,
State of Pennsylvania; and

Frank B. Murdoch, Jr., Esquire, of Philadelphia,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry S. Ridgely, It is ordered that

Otto C. Doering, Jr., Esquire, of Scarsdale,
State of New York; and

Carbery F. O'Shea, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Kenneth G. Weisler, It is ordered that James E. Newton, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lozier A. DeVane, It is ordered that Henry W. Sinclair, Esquire, of Winter Haven, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that William Calvert Welborn, Esquire, of Evansville, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Godfrey L. Munter, It is ordered that

William Friedman, Esquire, of Detroit,
State of Michigan;

George L. Quinn, Jr., Esquire, of Washington,
District of Columbia; and

Carnegie York, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James M. Graves, It is ordered that Clifford Spence M. Grayson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Roy Smith, It is ordered that

George W. Trammell, Jr., Esquire, of Long Beach,
State of California; and

Edward A. Penprase, Esquire, of Los Angeles,
State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Dempsey, It is ordered that Arthur W. Scarfield, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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James M. Wright,

Petitioner,

715 vs.

Union Central Life Insurance Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed in so far as it affirmed the order of the District Court striking from the schedules the 80.31-acre tract. As to the rest of the land in question the judgment is reversed, James M. Wright to pay one third the costs in this Court and Union Central Life Insurance Company two thirds.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Indiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

James M. Wright,

Petitioner,

716 vs.

Union Central Life Insurance Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby affirmed in so far as it affirmed the order of the District Court in refusing to permit amendment to show the character of appellant's interest in the 80.31-acre tract. As to the rest of the land in question the judgment is reversed, James M. Wright to pay one third the costs in this Court and Union Central Life Insurance Company two thirds.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Indiana for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

R. E. Collins, John C. Corbett and Fred B. Stewart, et al.,

Appellants,

vs.

Yosemite Park and Curry Co.

Appeal from the District Court of the United States for the Northern District of California.

870

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice McReynolds is of opinion that the decree below should be reversed because as stated by counsel for Appellants, "The acts of cession and acceptance reserved to the state the right to levy upon and collect from the Appellee company the type of tax imposed by the Alcoholic Beverage Control Act." Also, that discussion should be confined to that point.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Ex Parte National Labor Relations Board,

Petitioner.

On petition for writs of prohibition and mandamus and on rule to show cause.

21, Original.

THIS CAUSE came on to be heard on the petition for writs of prohibition and mandamus and on the return to the rule to show cause, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the petition for writs of prohibition and mandamus herein be, and the same is hereby, granted.

Per Mr. Justice Roberts.

Mr. Justice Stone and Mr. Justice Cardozo took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

The Denver Union Stock Yard Company,

Appellant,

798 vs.

The United States of America and Secretary of Agriculture.

Appeal from the District Court of the United States for the District of Colorado.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Colorado, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Butler.

Mr. Justice Black concurs in the result.

Mr. Justice Cardozo took no part in the consideration or decision of this case.

Fred O. Morgan, Doing Business as Fred O. Morgan Sheep Commission Company, et al.,

Appellants,

581 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black dissents.

Mr. Justice Cardozo and Mr. Justice Reed took no part in the consideration and decision of this petition.

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The Chief Justice announced the following orders of the Court:

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Champlin Refining Company,
Appellant,
vs.
Frank J. Ryan, as Secretary of State of the State of Kansas.

993

Appeal from the Supreme Court of the State of Kansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Champlin Refining Company,
Appellant,
vs.
Frank J. Ryan, as Secretary of State of the State of Kansas.

993

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mutual Benefit, Health and Accident Association,
Petitioner,
vs.
Lena Bowman.

1004

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, limited to the question of the right of Respondent to recover under the law of New Mexico.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mutual Benefit, Health and Accident Association,

Petitioner,

vs.

Lena Bowman.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

1004

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, vacated with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for determination of the question presented.

Per Mr. Chief Justice Hughes.

H. L. Mosher,

Appellant,

vs.

American Surety Company of New York, B. H. Hughes and Coit I. Hughes.

Appeal from the Superior Court of Maricopa County, State of Arizona.

1045

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of Maricopa County, State of Arizona, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

H. L. Mosher,

Appellant,

vs.

American Surety Company of New York, B. H. Hughes and Coit I. Hughes.

Appeal from the Superior Court of Maricopa County, State of Arizona.

1045

TREATING the appeal papers herein from the Superior Court of Maricopa County, State of Arizona, as an application for a writ of certiorari,

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank Ned, Alleged Incompetent, in His Own Behalf and By E. C. Powell, as Next Friend and Harold Mullen,

Appellants,

948 vs.

F. P. Robinson.

Appeal from the Supreme Court of the State of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Frank Ned, Alleged Incompetent, in His Own Behalf and by E. C. Powell, as Next Friend and Harold Mullen,

Petitioners,

948 vs.

F. P. Robinson.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Oil Shares Incorporated,

Petitioner,

1030 vs.

Commercial Trust Company of New Jersey, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Oil Shares Incorporated,

Petitioner,

1030 vs.

Commercial Trust Company of New Jersey, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and the decree of the District Court dismissing the complaint as to the Respondent, Commercial Trust Company of New Jersey, is vacated.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey with instructions to set forth its findings of fact and conclusions of law in accordance with Equity Rule 70½.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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O R D E R

It is ordered that paragraph 5(b) of Rule 38 of the Rules of this Court be amended so as to read as follows:

"(b) Where a circuit court of appeals has rendered a decision in conflict with the decision of another circuit court of appeals on the same matter; or has decided an important question of local law in a way probably in conflict with applicable local decisions; or has decided an important question of federal law which has not been, but should be, settled by this court; or has decided a federal question in a way probably in conflict with applicable decisions of this court; or has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a lower court, as to call for an exercise of this court's power of supervision."

Per Mr. Chief Justice Hughes.

O R D E R

It is ordered that paragraph (3) of Rule II of the Rules of Practice and Procedure in Criminal Cases be, and the same is hereby, amended to read as follows:

"(3) Except in capital cases a motion for a new trial solely upon the ground of newly-discovered evidence may be made within sixty (60) days after final judgment, without regard to the expiration of the term at which judgment was rendered, unless an appeal has been taken and in that event the trial court may entertain the motion only on remand of the case by the appellate court for that purpose, and such remand may be made at any time before final judgment. In capital cases the motion may be made at any time before execution of the judgment."

Per Mr. Chief Justice Hughes.

President of the United States of America, on the Relation of Gennaro Caputo,

Petitioner,

— vs.

John J. Kelly, United States Marshal, et al., etc.

ON CONSIDERATION of the application for a stay pending action upon a petition for writ of certiorari, referred by Mr. Justice Stone to the Court,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Merritt B. Schuyler,

Petitioner.

—, Original.

ON CONSIDERATION of the application filed herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Georgia,

Complainant,

1, Original vs.

The Tennessee Copper Company, et al.

The Return to the Rule to Show Cause is received and ordered to be filed with leave to file a supplemental return on or before October 1st next.

Per Mr. Chief Justice Hughes.

The State of New Jersey,

Complainant,

11, Original
O. T. 1934 vs.

The State of Delaware.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

The State of New Jersey,

Complainant,

11, Original
O. T. 1934 vs.

The State of Delaware.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Texas,

Complainant,

11, Original vs.

State of New Mexico, et al.

ON CONSIDERATION of the motion for leave to file petition and brief on behalf of Belen-Ladera Acequia as amicus curiae in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Texas,

Complainant,

11, Original vs.

State of New Mexico, et al.

The supplemental ad interim report of the Special Master is received and ordered to be filed.

Per Mr. Chief Justice Hughes.

Ex Parte Harry M. Blair, et al.,

Petitioners.

22, Original.

ON CONSIDERATION of the motion to defer consideration of the motion for leave to file petition for writ of certiorari in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration or decision of this motion.

Ex Parte Harry M. Blair, et al.,

Petitioners.

Motion for leave to file petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

22, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration or decision of this motion.

Ex Parte Harry M. Blair, et al., Petitioners.

22, Original.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Harry M. Blair, Robert Owston and Joseph Walsh, etc., et al., Petitioners,

1021 vs.

George W. McClintic, Judge of the District Court of the United States for the Southern District of West Virginia.

ON CONSIDERATION of the motion to defer consideration of the petition for writ of certiorari in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration or decision of this motion.

Harry M. Blair, Robert Owston and Joseph Walsh, etc., et al., Petitioners,

1021 vs.

George W. McClintic, Judge of the District Court of the United States for the Southern District of West Virginia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration or decision of this application.

Ex Parte A. K. Fowler, Administrator, etc., et al.,

Petitioners.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. K. Fowler, Administrator of the Estate of Elt B. Fowler, Deceased, et al.,

Petitioners,

1049 vs.

Russell B. Seymour, Trustee in Bankruptcy of the Estate of Frazier McIntosh.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Paysoff Tinkoff,
Petitioner.
18, Original.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Kellogg Company,
Petitioner,
396 vs.
National Biscuit Company; and

Kellogg Company,
Petitioner,
1053 vs.
National Biscuit Company.

Petitions for writs of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is granted. The order denying a writ of certiorari is vacated and the petition for writ of certiorari seeking review of the judgment of the Circuit Court of Appeals entered April 12, 1937, is granted. The petition for writ of certiorari seeking review of the order recalling and clarifying the mandate of the Circuit Court of Appeals is also granted. Further proceedings in the United States District Court for the District of Delaware are stayed pending action of the Court upon the writs of certiorari hereby granted.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration or decision of these applications.

Kellogg Company, Order allowing certiorari.

Petitioner,

396 vs.

National Biscuit Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration or decision of this application.

Kellogg Company, Order allowing certiorari.

Petitioner,

1053 vs.

National Biscuit Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration or decision of this application.

The Schriber-Schroth Company,

Petitioner,

674 vs.

The Cleveland Trust Company,
Chrysler Corporation;

The Aberdeen Motor Supply Company,

Petitioner,

675 vs.

The Cleveland Trust Company, Chrysler Corporation;

and

The P. E. Rowe Sales Company,

Petitioner,

676 vs.

The Cleveland Trust Company, Chrysler Corporation.

The motion for leave to file a second petition for rehearing is granted. The second petition for rehearing is granted. The order denying certiorari is vacated and the petition for writs of certiorari is granted.

Per Mr. Chief Justice Hughes.

The Schriber-Schroth Company,

Petitioner,

Order allowing certiorari.

674 vs.

The Cleveland Trust Company, Chrysler Corporation.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Aberdeen Motor Supply Company,

Petitioner,

675 vs.

The Cleveland Trust Company, Chrysler Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The P. E. Rowe Sales Company,

Petitioner,

676 vs.

The Cleveland Trust Company, Chrysler Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

General Talking Pictures Corporation,

Petitioner,

357 vs.

Western Electric Company, Inc., et al.

The petition for rehearing is granted upon the first two questions presented in the petition for writ of certiorari and the cause is assigned for argument on Monday, October 10, 1938. The motion to stay the mandate pending rehearing and determination by the Court is granted.

Per Mr. Chief Justice Hughes.

Lone Star Gas Company,

Appellant,

313 vs.

State of Texas, et al.

It is ordered that the opinion in this cause be amended by striking the word "interstate" from the ninth line on page four thereof and substituting the word "intrastate" therefor, so that the sentence will read:

"The fair value of its intrastate property was thus claimed to be $38,350,882.32 and the net amount available at the Commission's rate for return on intrastate deliveries of gas as less than four per cent."

Per Mr. Chief Justice Hughes.

Crown Cork & Seal Company, Inc.,

Petitioner,

72 vs.

Ferdinand Gutmann Co., Inc.

ON CONSIDERATION of the motion to amend the judgment of this Court in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert J. Suhay, Alias Robert Suhay, Rudolph Brinker, et al.,

Petitioners,

1051 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert J. Suhay, Alias Robert Suhay, Rudolph Brinker, et al.,

Petitioners,

1051 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Michael Carnevale,

Petitioner,

1062 vs.

The State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Michael Carnevale,

Petitioner,

1062 vs.

The State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Abraham Sandlofer,

Petitioner,

1067 vs.

The City of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Abraham Sandlofer,

Petitioner,

1067 vs.

The City of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pierce Lonergan,

Petitioner,

1064 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pierce Lonergan,

Petitioner,

1064 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Leo B. Shields, Individually and as United States Attorney for the District of Utah, and Interstate Commerce Commission,

Petitioners,

984 vs.

The Utah Idaho Central Railroad Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Colorado National Bank of Denver and Gertrude Hendrie Grant, Executors of the Estate of Edwin B. Hendrie, Deceased,

Petitioners,

1008 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Munro L. Lyeth,

Petitioner,

1042 vs.

James J. Hoey, Collector of Internal Revenue for the United States for the Second District of the State of New York.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Hyman Scher, Alias William Scher,

Petitioner,

1043 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Roy G. Harris and Benjamin F. J. Odell,

Petitioners,

1048 vs.

Avery Brundage Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Sovereign Camp of the Woodmen of the World,

Petitioner,

1016 vs.

William F. Bolin, Edward E. Bolin and Samuel A. Bolin, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Kansas City Court of Appeals, State of Missouri, is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Blakely D. McCaughn, Director of Wharves, Docks and Ferries of the City of Philadelphia,

Petitioner,

986 vs.

Philadelphia Piers, Inc., The Baltimore and Ohio Railroad Company, et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Hughes.

Mutual Benefit Health and Accident Association,

Petitioner,

937 vs.

Mannow D. Moyer.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Woolen Company, Petitioner, vs. The United States. — On petition for writ of certiorari to the Court of Claims.

982

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Woolen Company, Petitioner, vs. The United States. — On petition for writ of certiorari to the Court of Claims.

983

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pacific Steamship Lines, Limited, Petitioner, vs. Tom Mack. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

987

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. M. Mackey,
Petitioner,
994 vs.
City of Little Rock, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Nettie E. Livermore,
Petitioner,
995 vs.
Peter H. Miller, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pillsbury Flour Mills Co.,
Petitioner,
1002 vs.
The United States of America.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Grace H. Murray, Elsie S. Haight and Gerald N. Stanton, as Executors of the Last Will and Testament of Elizabeth H. Stanton, Deceased, et al.,

Petitioners,

1005 vs.

The City of New York and Frank H. Appleton, as Successor Trustee, etc.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward White,

Petitioner,

1006 vs.

Moses O. Youngblood.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States, ex rel. Iver Schmidt and James R. Tucker,

Petitioners,

1007 vs.

Charles W. Miles, United States Marshal.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Angus C. Littlejohn,
Petitioner,
1013 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Morris Meyers,
Petitioner,
1024 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harley L. Clarke,
Petitioner,
1034 vs.
M. M. Martin, Trustee in Bankruptcy of the Estate of Power Door Company, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, ex rel. Simeon H. Rieback and Harry J. Mandell,

Petitioners,

1041 vs.

John J. Kelly, United States Marshal for the Southern District of New York, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charlotte Morehead, Marie Morehead Allen and Margaret Groome Jones,

Petitioners,

1022 vs.

The Central Trust Company of Cincinnati, as Executor and Trustee Under the Last Will and Testament of Bingaman H. Morehead, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The First National Bank and Trust Company of Kalamazoo, Michigan,

Petitioner,

1014 vs.

David E. Uhl, Receiver of the Grand Rapids National Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Breen and Michael Breen, Sr., Petitioners,

1054 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Stephen Callaghan, John F. McGrath and William T. Cowin, as Trustees of the Prudence Company, Inc., Debtor, Petitioners,

1055 vs.

Brooklyn Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

D. V. Johnson, Doing Business in Name of Tennessee Grain Company, Petitioner,

1015 vs.

Igleheart Brothers, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Central Executive Council of Remington Rand Employes' Associations,

Petitioner,

1058 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anna B. Goldstone,

Petitioner,

1011 vs.

John A. Payne.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John H. Mellon, Alias Albert B. Underwood,

Petitioner,

1061 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lone Star Gas Company,

Appellant,

313 vs.

State of Texas, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Catherine Schultz,

Petitioner,

671 vs.

Live Stock National Bank of Chicago, Administrator, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Carbon Company, Inc.,

Petitioner,

936 vs.

The Western Shade Cloth Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Remington Rand, Inc.,

Petitioner,

970 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Georgia M. Spruill,

Petitioner,

985 vs.

Harryman Dorsey.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alamo National Bank of San Antonio,
by Walter N. Napier, President, etc.,

Petitioner,

988 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. L. W. Alexander,

Petitioner,

989 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Marion H. Allen, Collector of Internal Revenue, etc.,

Petitioner,

882 vs.

Regents of the University System of Georgia.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Federal Power Commission,

Petitioner,

915 vs.

Metropolitan Edison Company, et al.

Motion that mandate in this cause be ordered to issue forthwith submitted by Mr. Solicitor General Jackson for the Petitioner.

Federal Power Commission,

Petitioner,

915 vs.

Metropolitan Edison Company, et al.

ON CONSIDERATION of the motion by Mr. Solicitor General Jackson that the mandate in this case issue forthwith,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

George E. Valli, Angelo Bacchi and Samuel Goldstein,

Petitioners,

814 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

It appearing to the Court that counsel for the petitioners have filed a motion to dismiss the writ of certiorari in this case;

THEREFORE, in pursuance of said motion, It is ordered by this Court that the writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following order:

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O R D E R

All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

IT IS ORDERED by this Court that all cases on the docket be, and they are hereby, continued to the next term.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned to the time and place appointed by law.

VOL

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At the Supreme Court B
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United States, on the first Mond
month) in the year of our Lord o
of the Independence of the Unite
Supreme Court of the United Stat

PRESENT:

The Honorable Cha
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Thomas Emmalls Wag
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Proclamation being mad

On motion first made t
General Robert H. Jackson, It is
Ellison A. Neel,
Dean D. Sturgis,
William Brown Hig
Donald Westrezat
J. J. Speight, Es
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were sworn accordingly.

On motion first made t
Einhorn, It is ordered that Henr
New York, be admitted to practic
and he was sworn accordingly.

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sent Seat of the National Government of the
ay in October (being the 3rd day of the same
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es met agreeably to law.

rles E. Hughes, Chief Justice,
is D. Brandeis,
rce Butler,
lan F. Stone,
n J. Roberts,
o L. Black,
nley Reed. Associate Justices.

gaman, Esquire, Marshal,
re Cropley, Clerk.

e the Court is opened.

o the Court in this behalf by Mr. Solicitor
ordered that

Esquire, of Kansas City,
State of Missouri;

Esquire, of Uniontown,
State of Pennsylvania;

bee, Esquire, of Uniontown,
State of Pennsylvania;

Higbee, Esquire, of Connellsville,
State of Pennsylvania; and

quire, of Dothan,
State of Alabama;

neys and Counsellors of this Court, and they

o the Court in this behalf by Mr. Samuel L.
y Silverman, Esquire, of New York, State of
e as an Attorney and Counsellor of this Court

On motion first made to the Court in this behalf by Mr. Robert B. Watts, It is ordered that Walter M. Andrew, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick L. Pearce, It is ordered that Clifford A. Taney, Jr., Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Grover Cleveland Young, It is ordered that J. Lloyd Shaffer, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. V. Cushman, It is ordered that Robert W. Lewis, Esquire, of Worcester, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. B. Hunter, It is ordered that John B. Barrata, Esquire, of Atlantic City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Keller, It is ordered that Andrew B. Crummy, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Francis Anderson, It is ordered that John A. Matthews, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ross H. Snyder, It is ordered that French B. Loveland, Esquire, of Ocean City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Roy Smith, It is ordered that John T. Houser, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold Heller, It is ordered that Atwood C. Wolf, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. English, It is ordered that Henry Jacobsen, Jr., Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Caso March, It is ordered that Robert S. Keebler, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen MacCullen, It is ordered that John Palermo, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence R. Gorman, It is ordered that Charles L. Anderson, Esquire, of Logansport, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert M. Bingham, It is ordered that J. Arthur Moran, Esquire, of Delavan, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert M. Bingham, It is ordered that H. Donald Kistler, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Eugene Keller, It is ordered that Claire Woodworth Hardy, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Langsam, It is ordered that Walter T. Fahy, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy St. Lewis, It is ordered that William B. Layton, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. L. Smith, It is ordered that Horace B. Sessions, Esquire, of Ballinger, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy St. Lewis, It is ordered that Ellis L. Quiett, Jr., Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Gaskins, It is ordered that Jerome Goldman, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence M. Fisher, It is ordered that Carl E. Ring, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Gaskins, It is ordered that Chas. C. Goldman, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Blair, It is ordered that Irving F. Goodfriend, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"Since our last session, we have suffered an irreparable loss in the death of our brother, Justice Cardozo. At a time when he should have enjoyed the full exercise of his remarkable powers he was fatally stricken and we are inexpressibly saddened by this tragic termination of his judicial service and the breaking of our cherished ties of personal association. Admitted to the Bar of New York at the age of twenty-one, Benjamin Nathan Cardozo rapidly won the esteem of lawyers and judges and his special qualifications for judicial work were early recognized. He was elected a Justice of the Supreme Court of New York in 1913 and was almost at once designated for service on the Court of Appeals of that State. This was followed in a few years by his election as Associate Judge of that Court and in 1926 he was made Chief Judge. On the retirement of Mr. Justice Holmes, and in response to a widespread appreciation of the fitness of the succession, Judge Cardozo was appointed Associate Justice of this Court in February, 1932. His service on the Bench thus spanned nearly twenty-five years, and his contributions to the development of our jurisprudence made his judicial career one of the most illustrious in American annals. His erudition, acumen, and technical skill, combined with a philosophic outlook and a passion for justice, made him an ideal Judge, and the wide range of his cultural interests, his modesty and personal charm, made fellowship with him a most precious privilege. With deep sorrow at our loss, we turn to our work with a fresh inspiration as we contemplate his devotion to the highest standards of the Bench. At an appropriate time, the Court will receive the resolutions of the Bar in tribute to his memory."

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State of Georgia,

Complainant,

1, Original,
O.T. 1937. vs.

Tennessee Copper Company, et al.

Supplemental return to the rule to show cause presented.

State of Wisconsin, et al.,

Complainants,

2, Original. vs.

State of Illinois, et al.;

State of Michigan, et al.,
Complainants,
3, Original. vs.

State of Illinois, et al.; and

State of New York, et al.,
Complainants,
4, Original. vs.

State of Illinois, et al.

Report of Defendant, Sanitary District of Chicago, dated July 1, 1938, presented.

State of Nebraska,

Complainant,

8, Original. vs.

State of Wyoming, et al.

Petition of intervention of the United States and answers of the several States presented.

State of California,

Complainant,

13, Original. vs.

Murray W. Latimer, et al.

Motion to dismiss and answer of the Defendants presented.

Calmar Steamship Corporation,

Petitioner,

594 O.T. 1937 vs.

Charles W. Taylor.

Motion to retax costs submitted by Mr. Howard M. Long and Mr. Abraham E. Freedman for the Respondent in support of the motion and by Mr. Frank A. Bull for the Petitioner in opposition thereto.

Wm. H. Neblett, et al.,

Petitioners,

21 vs.

Samuel L. Carpenter, Jr., Insurance Commissioner of the State of California, et al.

Suggestion of a diminution of the record and motion for a writ of certiorari submitted by Mr. T. B. Cosgrove and Mr. John N. Cramer for the Respondents, Carroll C. Day, et al.

Tennessee Electric Power Company, et al.,

Appellants,

27 vs.

Tennessee Valley Authority, Arthur E. Morgan, Harcourt A. Morgan and David E. Lilienthal.

ON CONSIDERATION of the motion and stipulation signed by counsel for all Appellants and the Government to dismiss the Appellants, Tennessee Public Service Company and Holston River Electric Company, as parties to the appeal in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted; and that the Tennessee Public Service Company and Holston River Electric Company be, and they are hereby, dismissed as parties to the appeal in this case, as provided in said motion and stipulation.

Per Mr. Chief Justice Hughes.

Heywood-Wakefield Company,
Petitioner,
85 vs.
Edward F. Small and Coach & Car Equipment Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

It appearing to the Court that counsel for the Petitioner have filed a motion to dismiss the petition for writ of certiorari in this cause;

Therefore, in pursuance of said motion, IT IS ORDERED that the petition for writ of certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Carl Perry,
Appellant,
146 vs.
The State of Kansas.

Appeal from the Supreme Court of the State of Kansas.

It appearing to the Court that counsel for the Appellant have filed a motion to dismiss the appeal in this cause;

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the appeal in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Hughes.

Sam J. Boller,
Appellant,
151 vs.
The State of Kansas.

Appeal from the Supreme Court of the State of Kansas.

It appearing to the Court that counsel for the Appellant have filed a motion to dismiss the appeal in this cause;

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the appeal in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Hughes.

Wallace Ranch Water Company,
Appellant,
271 vs.
Foothill Ditch Company.

Appeal from the District Court of Appeal of the State of California, 4th Appellate District.

It appearing to the Court that counsel for the Appellant have filed a motion to dismiss the appeal in this cause;

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the appeal in this cause be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, October 10, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. David A. Reed, It is ordered that

Elder W. Marshall, Esquire, of Pittsburgh,
State of Pennsylvania;

George H. Coppers, Esquire, of New York,
State of New York; and

Roy E. Tomlinson, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James F. Ryan, It is ordered that J. Irvin McCourt, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Laurence Sovik, Esquire, of Syracuse,
State of New York;

George R. Fearon, Esquire, of Syracuse,
State of New York;

Leo E. Vaudreuil, Esquire, of Kenosha,
State of Wisconsin;

Harold H. Persons, Esquire, of Madison,
State of Wisconsin;

Donald M. Waesche, Esquire, of Jersey City,
State of New Jersey; and

Merle H. Miller, Esquire, of Indianapolis,
State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James F. Ryan, It is ordered that William Edgar Byrd, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. C. Dill, It is ordered that C. Ray Robinson, Esquire, of Merced, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. L. Smith, It is ordered that

William L. Clift, Esquire, of Helena,
State of Montana; and

Hugh R. Adair, Esquire, of Helena,
State of Montana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that A. S. Glikbarg, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. M. C. Sloss, It is ordered that E. D. Turner, Jr., Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Marselli, It is ordered that Harry G. Erbs, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Waddell, It is ordered that

Roscoe Hollingsworth, Esquire, of Lebanon,
State of Indiana; and

Al W. Johannes, Esquire, of South Bend,
State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles D. Hamel, It is ordered that

Ralph R. Reed, Esquire, of Washington,
District of Columbia; and

Benjamin H. Saunders, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that John B. Nordgren, Esquire, of Everett, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Wiener, It is ordered that Samuel R. Blaine, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph W. Milburn, It is ordered that

William E. Williams, Esquire, of Cleveland,
State of Ohio; and

Solon J. Broughton, Esquire, of Cleveland,
State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Roland Potter, It is ordered that John Davenport Abney, Esquire, of Hillsboro, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Stone, It is ordered that Rolla W. Coleman, Esquire, of Olathe, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H. Maloney, It is ordered that

Arthur N. Adams, Esquire, of Kansas City,
State of Missouri;

Eaton Adams, Esquire, of Kansas City,
State of Missouri; and

Arthur N. Adams, Jr., Esquire, of Kansas City,
State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas D. Thacher, It is ordered that Richard H. Demuth, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice announced the following orders of the Court:

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M. D. Carter,
Appellant,
vs.
The State of Texas.

Appeal from the Court of Criminal Appeals, State of Texas.

112

THIS CAUSE came on to be heard on the transcript of the record from the Court of Criminal Appeals, State of Texas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed (1) for the want of a substantial federal question; (2) for the reason that the Appellant has no standing to raise the question as to the validity of the statute under the commerce clause.

Per Mr. Chief Justice Hughes.

Anna Marie Hahn,

Appellant,

150 vs.

The State of Ohio.

Appeal from the Supreme Court of the State of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Ziona Hope Dillard,

Appellant,

179 vs.

Pioneer Title Insurance and Trust Company, Napoleon Oscar Dillard and Lizzie Dillard.

Appeal from the District Court of the United States for the Southern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of California, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Sovereign Camp of the Woodmen of the World,

Appellant,

181 vs.

Don R. Casados, Robert Valdez and J. D. Lamb, State Corporation Commissioners, et al., etc.

Appeal from the District Court of the United States for the District of New Mexico.

This cause came on to be heard on the transcript of the record

from the District Court of the United States for the District of New Mexico, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Public Service Company of Indiana and Union Trust Company of Indianapolis, Trustee,

Appellants,

214 vs.

City of Lebanon, Indiana.

Appeal from the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a final judgment.

Per Mr. Chief Justice Hughes.

Crescent Creamery, Inc., and Associated Dairies Company, Inc.,

Appellants,

238 vs.

Milk Control Board of the State of Indiana, et al.

Appeal from the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed as it does not appear from the record that there is a final judgment.

Per Mr. Chief Justice Hughes.

A. A. Campbell, C. M. Kiggins, Emma Richards, et al.,

Appellants,

243 vs.

C. W. Aldrich, Mrs. F. W. Blum, Harry M. Kenin, et al.

Appeal from the Supreme Court of the State of Oregon.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oregon, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Carolyn T. Gardner,

Appellant,

264 vs.

Commonwealth of Massachusetts.

Appeal from the Superior Court of the Commonwealth of Massachusetts, County of Essex.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Massachusetts, County of Essex, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Lucile Lord-Heinstein,

Appellant,

265 vs.

Commonwealth of Massachusetts.

Appeal from the Superior Court of the Commonwealth of Massachusetts, County of Essex.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Massachusetts, County of Essex, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Flora Rand,
Appellant,
266 vs.
Commonwealth of Massachusetts.

Appeal from the Superior Court of the Commonwealth of Massachusetts, County of Essex.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Massachusetts, County of Essex, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Pamelia Ferris,
Appellant,
267 vs.
Commonwealth of Massachusetts.

Appeal from the Superior Court of the Commonwealth of Massachusetts, County of Essex.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the Commonwealth of Massachusetts, County of Essex, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

The Walding, Kinnan and Marvin Company,
Appellant,
vs.
The Department of Liquor Control of the State of Ohio, J. W. Miller, et al.

291

Appeal from the District Court of the United States for the Southern District of Ohio.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Ohio, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court, in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

George E. Waesche, Trustee,
Appellant,
vs.
The Thurmont Bank, Thurmont, Maryland.

316

Appeal from the Circuit Court of Frederick County, State of Maryland.

THIS CAUSE came on to be heard on the transcript of the record from the Circuit Court of Frederick County, State of Maryland, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the reason that the judgment sought to be reviewed is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

Richfield Oil Corporation,
Appellant,
vs.
The People of the State of California.

338

Appeal from the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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In re Disbarment of W. A. Denson.

It appearing to the Court from the record in W. A. Denson, Petitioner, v. Board of Commissioners of the State Bar of Alabama, No. 129, October Term, 1938, that W. A. Denson, of Birmingham, Alabama, a member of the Bar of this Court, has been disbarred from the practice of the law in the Supreme Court of the State of Alabama;

IT IS ORDERED that the said W. A. Denson be, and he is hereby, suspended from the practice of the law in this Court, and that a rule issue returnable within forty (40) days requiring the said W. A. Denson to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Hughes.

In re Disbarment of J. William Tomlinson.

O R D E R

It having been reported to the Court that J. William Tomlinson, of Washington, D. C., a member of the Bar of this Court, has been disbarred from the practice of the law in the District Court of the United States for the District of Columbia;

And it appearing that by order of February 7, 1938, this Court suspended the said J. William Tomlinson from the practice of law in this Court and directed that a rule issue requiring him to show cause, under Rule 2, why

he should not be disbarred from the practice of the law in this Court;

And it appearing that said rule was duly issued and served upon said J. William Tomlinson; and the return day of said rule having passed and no return or answer to said rule having been filed by or in behalf of said respondent;

IT IS NOW HERE ORDERED that the said J. William Tomlinson be, and he is hereby, disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Hughes.

R. L. Scott,

Plaintiff,

—— vs.

Glenn O'Bannon, et al.

ON CONSIDERATION of the application filed in the above entitled case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John R. Vann, Receiver, etc.,

Appellant,

—— vs.

Almours Securities, Inc., et al.

ON CONSIDERATION of the application filed in the above entitled case,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Lloyd Rubin,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Francis Scalese,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Howard Lee,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to application to the appropriate court at the appropriate time.

Per Mr. Chief Justice Hughes.

Ex Parte Mike Holchak,

Petitioner.

—, Original.

O R D E R

A rule is ordered to issue, returnable within thirty days from this date, requiring the Respondent to show cause why leave to file the petition for a writ of habeas corpus should not be granted.

Per Mr. Chief Justice Hughes.

Ex Parte Charlie Johnson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Wisconsin, et al.,

Complainants,

2, Original. vs.

The State of Illinois, et al.;

The State of Michigan, et al.,

Complainants,

3, Original. vs.

The State of Illinois, et al.; and

The State of New York, et al.,

Complainants,

4, Original. vs.

The State of Illinois, et al.

The report of the Defendant, Sanitary District of Chicago, dated July 1, 1938, is received and ordered filed.

Per Mr. Chief Justice Hughes.

The State of Nebraska,

Complainant,

8, Original. vs.

The State of Wyoming, et al.

The petition of intervention of the United States and the answers of the several States are received and ordered filed.

Per Mr. Chief Justice Hughes.

The State of California,

Complainant,

13, Original. vs.

Murray W. Latimer, et al.

The motion to dismiss and answer of the Defendants is received and ordered filed and the case is assigned for argument on the bill of complaint and motion to dismiss on Monday, November 7, next.

Per Mr. Chief Justice Hughes.

Calmar Steamship Corporation,

Petitioner,

594 O.T. 1937 vs.

Charles W. Taylor.

ON CONSIDERATION of the motion of the Respondent to retax the costs in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wm. H. Neblett, Vernon Bettin, et al.,

Petitioners,

21 vs.

Samuel L. Carpenter, Jr., Insurance Commissioner of the State of California, et al.

ON CONSIDERATION of the suggestion of a diminution of the record in this case and motion for a writ of certiorari in that relation,

IT IS ORDERED by this Court that the motion for a writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Roy G. Harris and Benjamin F. J. Odell,

Petitioners,

53 vs.

Avery Brundage Company, et al.

ON CONSIDERATION of the motion of the Respondent to dismiss the writ of certiorari in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hugh Allen Bowen,

Petitioner,

359 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Hugh Allen Bowen,

Petitioner,

359 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, limited to the question of the jurisdiction of the District Court on habeas corpus.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

W. A. Denson,

Petitioner,

129 vs.

Board of Commissioners of the State Bar of Alabama.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this motion.

W. A. Denson,

Petitioner,

129 vs.

Board of Commissioners of the State Bar of Alabama.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Joseph Edward O'Brien,

Petitioner,

301 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Edward O'Brien,

Petitioner,

301 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for writ of certiorari was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

Willie Brown,

Petitioner,

324 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Willie Brown,
Petitioner,
324 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for writ of certiorari was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

Edmond C. Fletcher,
Petitioner,
109 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edmond C. Pletcher,
Petitioner,
109 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William S. Story,
Petitioner,
117 vs.
Thomas M. Rives.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William S. Story,
Petitioner,
117 vs.
Thomas M. Rives.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Odell Elliott Pfaff,

Petitioner,

170 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Odell Elliott Pfaff,

Petitioner,

170 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and on the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mervin S. Taylor,

Petitioner,

171 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mervin S. Taylor,
Petitioner,
171 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr.Chief Justice Hughes.

J. Earle Freeman,
Petitioner,
172 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. Earle Freeman,
Petitioner,
172 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In the Matter of Minnie Reese
Richardson Wragg,

Petitioner.

184

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In the Matter of Minnie Reese
Richardson Wragg,

Petitioner.

184

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Leander H. Caswell,

Petitioner,

192 vs.

Henry Morgenthau, Jr., as Secretary
of the Treasury of the United States,
et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Leander H. Caswell,

Petitioner,

192 vs.

Henry Morgenthau, Jr., as Secretary of the Treasury of the United States, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Brunetta Futrell, Administratrix of the Estate of Leonora White, Deceased,

Petitioner,

225 vs.

The City of Newport News, Virginia, and Lillian Purbush.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Brunetta Futrell, Administratrix of the Estate of Leonora White, Deceased,

Petitioner,

225 vs.

The City of Newport News, Virginia, and Lillian Purbush.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dora Robertson, et al.,

Petitioners,

263 vs.

W. J. Chronister, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dora Robertson, et al.,

Petitioners,

263 vs.

W. J. Chronister, et al.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mary J. Hellmuth,

Petitioner,

281 vs.

Frank Hellmuth.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mary J. Hellmuth,

Petitioner,

281 vs.

Frank Hellmuth.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter Kelly,

Petitioner,

317 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter Kelly,

Petitioner,

317 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz Island, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Irvin,

Petitioner,

326 vs.

Fred G. Zerbst, Warden, U. S. Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Irvin,

Petitioner,

326 vs.

Fred G. Zerbst, Warden, U. S. Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Reed,

Petitioner,

327 vs.

John B. Colpoys.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Reed,

Petitioner,

327 vs.

John B. Colpoys.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John J. Aurynger,

Petitioner,

353 vs.

Radio Corporation of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John J. Aurynger,

Petitioner,

353 vs.

Radio Corporation of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Orland S. Loomis, Individually and as Attorney General of the State of Wisconsin, et al.,

Petitioners,

277 vs.

First Federal Savings and Loan Association.

In view of the Act of August 24, 1937 (50 Stat. 751), the Court hereby certifies to the Attorney General of the United States that the constitutionality of Section 5 of The Home Owners' Loan Act of 1933 (48 Stat. 132), as amended by the Act of April 27, 1934 (48 Stat. 645), and by the Act of May 28, 1935 (49 Stat. 297), is drawn in question in this cause.

Per Mr. Chief Justice Hughes.

United States of America, et al.,

221 vs.

F. O. Morgan, etc., et al.

Probable jurisdiction is noted in this case and consideration of the motion to dismiss or affirm is postponed to the merits.

The application of the Appellants for a stay and supersedeas is granted and IT IS ORDERED that the enforcement, operation and execution of the order of June 18, 1938, appealed from, be, and the same is hereby, stayed and superseded pending determination of the cause by this Court.

The case is assigned for argument on Thursday, October 20, 1938.

Per Mr. Chief Justice Hughes.

Pacific Employers Insurance Company, Appellant, Appeal from the Supreme Court of the State of California.

158 vs.

Industrial Accident Commission of the State of California and Kenneth Tator.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Pacific Employers Insurance Company,
Appellant,
158 vs.
Industrial Accident Commission of the State of California and Kenneth Tator.

Appeal from the Supreme Court of the State of California.

TREATING the appeal papers herein from the Supreme Court of the State of California as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Gwin, White & Prince, Inc.,
Appellant,
75 vs.
Harold H. Henneford, Thomas S. Hedges, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Russell B. Patterson,
Appellant,
113 vs.
Stanolind Oil and Gas Company, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Rose Bucsi,

Appellant,

120 vs.

Longworth Building & Loan Association, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Baltimore and Ohio Railroad Company, et al.,

Appellants,

133 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

J. S. Kohn, M. S. Kohn, et al.,

Appellants,

177 vs.

Central Distributing Co., Inc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Southern Pacific Company,

Appellant,

212 vs.

John C. Corbett, et al., etc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The Pacific Telephone and Telegraph Company,

Appellant,

213 vs.

John C. Corbett, et al., etc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Inland Steel Company,

Appellant,

227 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Chicago By-Product Coke Company,

Appellant,

228 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Dixie Ohio Express Company,

Appellant,

260 vs.

State Revenue Commission of Georgia, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Interstate Circuit, Inc., et al.,

Appellants,

269 vs.

The United States of America.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Paramount Pictures Distributing Company, Inc., et al.,

Appellants,

270 vs.

The United States of America.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Ignatius Lanzetta, et al.,

Appellants,

308 vs.

The State of New Jersey.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

309 vs.

Durkee Famous Foods, Inc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

310 vs.

Manhattan Lighterage Corporation.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

311 vs.

Colgate-Palmolive-Peet Company.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Indianapolis Brewing Company, Inc.,

Appellant,

130 vs.

The Liquor Control Commission of the State of Michigan, et al.

The statement of jurisdiction and motion to affirm in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Further consideration of the motion to affirm is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Ernest K. James, Individually, etc.,

Appellant,

161 vs.

United Artists Corporation.

The statement of jurisdiction and motion to affirm in this case having been submitted and considered by the Court, probable jurisdiction is noted. Further consideration of the motion to affirm is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

286. vs.

Midstate Horticultural Company, Inc., et al.

The statement of jurisdiction and motion to dismiss or affirm in this case having been submitted and considered by the Court, probable jurisdiction is noted. Further consideration of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

287 vs.

The Pennsylvania Railroad Company.

The statement of jurisdiction and motion to dismiss or affirm in this case having been submitted and considered by the Court, probable jurisdiction is noted. Further consideration of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

H. P. Welch Company,

Appellant,

295 vs.

The State of New Hampshire.

The statement of jurisdiction and motion to dismiss or affirm in this case having been submitted and considered by the Court, probable jurisdiction is noted. Further consideration of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Chippewa Indians of Minnesota,

Appellant,

244 vs.

The United States.

ON CONSIDERATION of the motion for leave to file the statement of jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted. The statement of jurisdiction having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

John S. Finch & Company, et al.,

Appellants,

252 vs.

Roy McKittrick, Attorney General of the State of Missouri, et al.;

Ben Burk, Inc.,

Appellant,

253 vs.

Roy McKittrick, Attorney General of the State of Missouri, et al.;

Joseph E. Seagram & Sons, Incorporated, et al.,

Appellants,

254 vs.

Roy McKittrick, Attorney General of the State of Missouri, et al.;

Hinrichs Distilled Products,

Appellant,

255 vs.

Roy McKittrick, Attorney General of the State of Missouri, et al.; and

Arrow Distilleries, Inc.,

Appellant,

256 vs.

Roy McKittrick, Attorney General of the State of Missouri, et al.

The statement of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is noted, and the cases are assigned for argument immediately following No. 130.

Per Mr. Chief Justice Hughes.

Cary D. Landis, Individually and as Attorney General of the State of Florida, et al.,

Appellants,

276 vs.

Gene Buck, Individually, etc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Cary D. Landis, Individually and as Attorney General of the State of Florida, et al.,

Appellants,

276 vs.

Gene Buck, Individually, etc., et al.

ON CONSIDERATION of the motion of the Appellant, State's Attorneys, to vacate the decree and direct dismissal of the bill of complaint in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cary D. Landis, Individually and as Attorney General of the State of Florida, et al.,

Appellants,

276 vs.

Gene Buck, Individually, etc., et al.

ON CONSIDERATION of the motion of the Appellees to substitute George Couper Gibbs, individually and as Attorney General of the State of Florida, as a party Appellant in the place and stead of Cary D. Landis, deceased,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Gene Buck, Individually, etc., et al.,

Appellants,

329 vs.

Phil H. Gallagher, Individually and as State Treasurer of the State of Washington, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted, and the case is assigned for argument immediately following No. 276.

Per Mr. Chief Justice Hughes.

Felt and Tarrant Manufacturing Co.,

Appellant,

302 vs.

John C. Corbett, et al., etc.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted, and the case is assigned for argument immediately following Nos. 212 and 213.

Per Mr. Chief Justice Hughes.

J. Bacon & Sons,

Appellants,

203 vs.

James W. Martin, Individually and as Commissioner of Revenue of the Commonwealth of Kentucky.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

The Alton Railroad Company,

Appellant,

231 vs.

Illinois Commerce Commission, et al.

The statement of jurisdiction and the motion to dismiss or affirm in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court and of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Armstrong Paint and Varnish Works,

Petitioner, Order allowing certiorari.

51 vs.

Nu-Enamel Corporation, an Illinois Corporation, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

A. E. McDonald,

Petitioner, Order allowing certiorari.

55 vs.

Ernest O. Thompson, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

State of Missouri, at the Relation of Lloyd Gaines,

Petitioner, Order allowing certiorari.

57 vs.

S. W. Canada, Registrar of the University of Missouri and the Curators of the University of Missouri.

The petition herein for a writ of certiorari to the Supreme Court of the State of Missouri is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

State of Minnesota, by Its Attorney General,

Petitioner,

Order allowing certiorari.

73 vs.

The United States of America.

The petition herein for a writ of certiorari to the United State Circuit Court of Appeals for the Eighth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Inter-Island Steam Navigation Company, Limited,

Petitioner,

Order allowing certiorari.

94 vs.

Territory of Hawaii by Public Utility Commission of the Territory of Hawaii.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Harold T. White, Alexander M. White, Jr., and William I. Frothingham, as Executors of the Estate of Alexander M. White,

Petitioners, Order allowing certiorari.

96 vs.

The United States.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Harold T. White, Sole Surviving Executor of the Estate of William A. White,

Petitioner, Order allowing certiorari.

97 vs.

The United States.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

M. E. Blatt Company,

Petitioner, Order allowing certiorari.

98 vs.

The United States.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner, Order allowing certiorari.

102 vs.

Thomas R. Powers, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The State of Montana on the Relation of the Board of County Commissioners of Valley County, Montana,

Petitioner, Order allowing certiorari.

104 vs.

Archie G. Bruce, County Assessor of Valley County, Montana, et al.

The petition herein for a writ of certiorari to the Supreme Court of the State of Montana is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Princess Lida of Thurn and Taxis, Formerly Lida Eleanor Purcell Fitzgerald and John Purcell Fitzgerald,

Petitioners, Order allowing certiorari.

118 vs.

Gerald Purcell Fitzgerald, Individually and as Trustee of the Trusts Hereinafter Described, et al., etc.

The petition herein for a writ of certiorari to the Supreme Court of the State of Pennsylvania is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mackay Radio and Telegraph Company, Inc.,

Petitioner,

127 vs.

Radio Corporation of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

154 vs.

Kathleen McClure, as Administratrix of the Estate of John F. McClure.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

169 vs.

Frederick Pleasants.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

180 vs.

Donald H. Owens and Marion Haviland Owens.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mrs. Zillah Lyon,

Petitioner,

189 vs.

Mutual Benefit Health and Accident Association.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Pullman Company, H. J. Hatch, Edward E. Meyers and A. J. Kash,

Petitioners, Order allowing certiorari.

210 vs.

Mrs. Garnett V. Jenkins and Robert W. Jenkins, by Mrs. Garnett V. Jenkins, His Guardian ad Litem.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Washingtonian Publishing Company, Inc.,

Petitioner, Order allowing certiorari.

222 vs.

Drew Pearson, Robert S. Allen and Van Rees Press, Inc., et al.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia, is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner, Order allowing certiorari.

229 vs.

Columbian Enameling and Stamping Company, Inc.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner, Order allowing certiorari.

245 vs.

The Algoma Lumber Company.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner, Order allowing certiorari.

246 vs.

Forest Lumber Company.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner, Order allowing certiorari.

247 vs.

Leum Lumber Company.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

D. T. Currin, S. M. Cutts and H. A. Averett, Doing Business as Fleming Warehouse, Oxford, North Carolina, et al.,

Petitioners,

275 vs.

Henry A. Wallace, Secretary of Agriculture for the United States, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

City of Texarkana, Texas,

Petitioner,

294 vs.

Arkansas Louisiana Gas Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

John M. Taylor, et al., as the Independent Committee for the Protection of the Holders of Preferred Stock of Deep Rock Oil Corporation,

Petitioners,

312 vs.

Standard Gas and Electric Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Connecticut Railway and Lighting Company,

Petitioner, Order allowing certiorari.

63 vs.

Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, as Trustees, etc.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Brandeis took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner, Order allowing certiorari.

304 vs.

Chester N. Weaver Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted, and the cas is assigned for argument immediately following Nos. 96 and 97.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Amedeo Obici and Mrs. Amedeo Obici,

Petitioners, Order allowing certiorari.

318 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, and the ca

is assigned for argument immediately following No. 180.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr.Chief Justice Hughes.

Ford Motor Company,

Petitioner,

182 vs.

National Labor Relations Board.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is assigned for argument on Monday, November 7, next.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Ford Motor Company,

Petitioner,

183 vs.

National Labor Relations Board.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is assigned for argument on Monday, November 7, next.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Edward H. Titus,

Petitioner,

188 vs.

Lou C. Wallick.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Ohio is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Edward H. Titus,

Petitioner,

188 vs.

Lou C. Wallick.

ON CONSIDERATION of the motion to print an abbreviated record consisting of the parts of the record filed in this cause which are designate in the motion,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, with leave to the Respondent to submit to the Court a motion designating any additional portions of the record which he desires to have printed and the Court will take this motion under advisement.

Per Mr. Chief Justice Hughes.

Socony-Vacuum Oil Company, Inc.,

Petitioner,

195 vs.

Herbert A. Smith, Jr.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceed

ings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration and decision of this application.

National Labor Relations Board,

Petitioner,

274 vs.

The Sands Manufacturing Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted, and the case is assigned for argument immediately following No. 229.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Orland S. Loomis, Individually and as Attorney General of the State of Wisconsin, et al.,

Petitioners,

277 vs.

First Federal Savings and Loan Association.

ON CONSIDERATION of the stipulation of the parties to substitute Frank H. Bixby, a member of the Banking Commission of the State of Wisconsin, as a party petitioner in the place and stead of S. N. Schafer, resigned,

IT IS ORDERED by this Court that the said substitution be, and the same is hereby, made and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Orland S. Loomis, Individually and as Attorney General of the State of Wisconsin, et al.,

Petitioners,

277 vs.

First Federal Savings and Loan Association.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Thomas J. Mooney,

Petitioner,

6 vs.

Court Smith, Warden of San Quentin Penitentiary, State of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Justice Black and Mr. Justice Reed.

William B. Milliken, Margaret M. Milliken, Texas Production Company, et al.,

Petitioners,

43 vs.

Violet L. Meyer, Both Individually and as Administratrix of the Estate of Raymond D. Meyer, Deceased.

On petition for writ of certiorari to the Supreme Court of the State of Colorado.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Colorado, and of the argument of counsel thereupon had.

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied, as it does not appear from the record that there is a final judgment.

Per Mr. Chief Justice Hughes.

Howard S. Palmer, James Lee Loomis, and Henry B. Sawyer, as Trustees, etc., Petitioners,
105 vs.
Connecticut Railway and Lighting Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Brandeis took no part in the consideration and decision of this application.

The Maytag Company, Petitioner,
76 vs.
Hurley Machine Company, et al.;

The Maytag Company, Petitioner,
77 vs.
Easy Washing Machine Corporation; and

The Maytag Company, Petitioner,
352 vs.
General Electric Supply Corporation.

ON CONSIDERATION of the motion to defer consideration of the applications for writs of certiorari in these cases,

IT IS ORDERED BY THIS COURT that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Maytag Company,
Petitioner,
76 vs.
Hurley Machine Company and Electric Household Utilities Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Maytag Company,
Petitioner,
77 vs.
Easy Washing Machine Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Maytag Company,
Petitioner,
352 vs.
General Electric Supply Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. D. Howth,

Petitioner,

143 vs.

T. J. Farrar, et al.

ON CONSIDERATION of the motion of the Fall Corporation for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. D. Howth,

Petitioner,

143 vs.

T. J. Farrar, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mattie L. Mosher,

Petitioner,

162 vs.

E. Power Conway.

On petition for writ of certiorari to the Supreme Court of the State of Arizona.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the Supreme Court of the State of Arizona, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that application therefor was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

The Toledo Pressed Steel Company,

Petitioner,

166 vs.

Standard Parts, Inc.; and

The Toledo Pressed Steel Company,

Petitioner,

167 vs.

Huebner Supply Company.

ON CONSIDERATION of the motion to defer consideration of the applications for writs of certiorari in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Toledo Pressed Steel Company,

Petitioner,

166 vs.

Standard Parts, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Toledo Pressed Steel Company,
Petitioner,
167 vs.
Huebner Supply Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

City of Indianapolis, et al.,
Petitioners,
168 vs.
The Chase National Bank of the City of New York, Trustee, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration and decision of this application.

George E. Warren Corporation,
Petitioner,
32 vs.
The United States of America.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States,
Petitioner,
vs.
Coleman F. Driver.

On petition for writ of certiorari to The Court of Claims.

33

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Penick & Ford, Ltd., Incorporated,
Petitioner,
vs.
International Patents Development Company and Corn Products Refining Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

34

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Emelia Brooks, Administratrix of the Estate of Marvin Brooks, Deceased,
Petitioner,
vs.
The City of Seattle.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

35

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Julia C. Collins, by Coit I. Hughes, Her Guardian ad Litem,

Petitioner,

36 vs.

C. Claude Dye, Individually and C. Claude Dye, as Executor of James F. Dye, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Russell and Tucker (Formerly a Partnership Composed of Lee L. Russell and Sam C. Tucker), et al.,

Petitioners,

37 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Porter Brothers & Biffle, et al.,

Petitioners,

38 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry Price, et al.,
Petitioners,
39 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,
Petitioner,
206 vs.
Russell and Tucker, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,
Petitioner,
207 vs.
Porter Brothers and Biffle, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,
Petitioner,
208 vs.
Henry Price, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wabash Railway Company,
Petitioner,
40 vs.
John E. Bridal.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Krupp Nirosta Co., Inc., and Benno Strauss,
Petitioners,
41 vs.
Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The American Tobacco Company,

Petitioner,

42 vs.

Frank C. Bowers, as Executor of the Estate of Frank K. Bowers, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paramino Lumber Company and Union Insurance Society of Canton, Ltd.,

Petitioners,

44 vs.

Wm. A. Marshall, Deputy Commissioner, Fourteenth Compensation District Under the Longshoremen's and Harbor Worker's Compensation Act and John T. Clark,

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Kansas on the Relation of Clarence V. Beck, Attorney General, et al.,

Petitioners,

45 vs.

Occidental Life Insurance Company, Clyde W. Miller and Robert G. Lindsay, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William B. Scaife & Sons Company,

Petitioner,

46 vs.

William Driscoll, Collector of United States Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Martha A. Guettel, Arthur A. Guettel, as Individuals, Martha A. Auerbach, et al.,

Petitioners,

47 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph V. Voorhees,

Petitioner,

50 vs.

Ira W. Syck, as Sheriff of Mower County, Minnesota.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Minnesota, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Josiah K. Lilly, Jr.,
Petitioner,
52 vs.
Will H. Smith, Collector of Internal Revenue for the District of Indiana.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Becker Steel Company of America,
Petitioner,
54 vs.
Homer S. Cummings, Attorney General of the United States, in His Official Capacity as Alien Property Custodian, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Proctor & Gamble Company,
Petitioner,
58 vs.
Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jessie E. Shubrick, et al.,

Petitioners,

59 vs.

Van Camp Products Company, John P. Prenzel, Jr., Trustee in Bankruptcy of Van Camp Products Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jessie E. Shubrick, et al.,

Petitioners,

60 vs.

Van Camp Products Company, John P. Prenzel, Jr., Trustee in Bankruptcy of Van Camp Products Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

F. M. Berry, Trustee of John B. Willoughby and Mary M. Willoughby, Bankrupts,

Petitioner,

61 vs.

C. B. Austin, Executor of the Estate of Mollie E. Mooney, Deceased, and Mrs. Myra Smith.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Cleveland-Cliffs Iron Company,
Petitioner,
62 vs.
George Martini, Administrator of the Estate of Alfred Martini, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elkhorn Coal Company,
Petitioner,
64 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Douglas Fairbanks,
Petitioner,
65 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Murray Greiman, Trustee of Samuel S. Sachs, Bankrupt,

Petitioner,

67 vs.

Metropolitan Life Insurance Company, Prudential Insurance Company of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arkansas Louisiana Gas Company,

Petitioner,

72 vs.

City of Texarkana, Arkansas, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph W. Cox, George W. White and George E. Walker, et al.,

Petitioners,

78 vs.

Joseph W. Thompson, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph W. Thompson, et al.,
Petitioners,
204 vs.
Park Savings Bank, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Indian Territory Oil and Gas Company,
Petitioner,
79 vs.
Indian Territory Illuminating Oil Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Department of Water and Power of the City of Los Angeles,
Petitioner,
80 vs.
James C. Anderson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert W. Higgins, Jr., John T. Higgins and Raleigh Higgins, et al.,

Petitioners,

81 vs.

City of Oklahoma City.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mattie McMullin, Executrix of the Estate of Charles F. McMullin, Deceased,

Petitioner,

82 vs.

Thomas J. Sheehan, Collector of Internal Revenue, First District of Missouri.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas M. Dysart, Trustee Under the Will of Alexander M. Mandlan, Deceased,

Petitioner,

83 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John J. Morris, Jr., Trustee in Bankruptcy for Central Telephone Company,

Petitioner,

84 vs.

Marshall E. Sampsell, J. F. O'Connell and E. J. B.Schubring, et al.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wisconsin, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Julia C. Collins, by Coit I. Hughes, Her Guardian ad Litem,

Petitioner,

86 vs.

Helene Streitz.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank F. Nesbit and American Security and Trust Company, Executors of the Estate of Clarence W. DeKnight, Deceased,

Petitioners,

87 vs.

Frederick Snare Corporation.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Benjamin A. Bogy,
Petitioner,
88 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harrison H. Boyce,
Petitioner,
89 vs.
The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Willie Crockett Wright, Administratrix of the Estate of Robert Lee Wright, Deceased,
Petitioner,
90 vs.
The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Chiara and Joseph Chiara,
Petitioners,
91 vs.
Delaware, Lackawanna & Western Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lem Motlow,
Petitioner,
92 vs.
Southern Holding & Securities Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Home Indemnity Company,
Petitioner,
93 vs.
National Motorship Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Vitagraph, Inc., RKO Distributing Corporation, Paramount Pictures Distributing Corporation, et al.,

Petitioners,

95 vs.

Harry Perelman and Louis Perelman, Individually and as Co-partners.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. D. Hurlbut and Ahlberg Bearing Company,

Petitioners,

99 vs.

George Meyerson.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William R. Clements,

Petitioner,

100 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jessie W. Means, Executrix of the Last Will and Testament of Elizabeth Waugh, Deceased, Bankrupt,

Petitioner,

101 vs.

M. J. Faletti, Trustee of the Estate of Elizabeth Waugh, Deceased, Bankrupt, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Lawrence Mercer,

Petitioner,

103 vs.

M. F. Lence, District Director, Immigration and Naturalization Service, Department of Labor and the United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Simon D. Eveloff, Charles Taxin and Nathan Savitz, etc.,

Petitioners,

106 vs.

Joseph K. Willing, Receiver of the Sixth National Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Massachusetts Protective Association, Incorporated,

Petitioner,

107 vs.

Elvira Swasey.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Batangas Transportation Company,

Petitioner,

108 vs.

Manila Railroad Company and the Public Service Commission of the Commonwealth of the Philippines.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of the Philippines, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Loose-Wiles Biscuit Company,

Petitioner,

110 vs.

Almon G. Rasquin, Individually and as Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Waterman William Porter,
Petitioner,
111 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be,and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States Fidelity and Guaranty Company,
Petitioner,
114 vs.
Mercantile Home Bank & Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mutual Benefit Health and Accident Association,
Petitioner,
115 vs.
Ralley A. Warrell.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

June Reed and George Hammond,
Petitioners,
116 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Herman H. Canter and Fay Canter,
Petitioners,
119 vs.
George Ramsey, E. Carlton Granberry, Bernard F. Martin, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be,and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Corral, Wodiska Y Ca.,
Petitioner,
121 vs.
Anderson, Thorson & Co., and M. M. Martin, Trustee in Bankruptcy for the Estate of Anderson, Thorson & Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Augustus Steinthal,
Petitioner,
122 vs.
Arlington Sample Book Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harold F. Gross and Edmund C. Shields,
Petitioners,
123 vs.
Saginaw Broadcasting Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rogers Oil & Gas Company,
Petitioner,
124 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Grison Oil Corporation,

Petitioner,

125 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Prudential Insurance Company of America,

Petitioner,

126 vs.

Laura H.Herold.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

City National Bank and I. H. Nakdimen,

Petitioners,

131 vs.

Henry C. Sternberg.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ernest R. Woolley,
Petitioner,
132 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Justin L. Mitchell,
Petitioner,
134 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Gruenwald, Peter Duerr and Albertine Duerr,
Petitioners,
135 vs.
Moir Hotel Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Brush-Moore Newspapers, Inc., Petitioner,

136 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel there upon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Florance M. Foley, Executor, Ellen Kerrigan, and Catharine LaBrum, Executrices of the Estate of Thomas J. Foley, Deceased, Petitioners,

137 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Florance M. Foley, Executor, Ellen Kerrigan and Catharine LaBrum, Executrices of the Estate of Thomas J. Foley, Deceased, Petitioners,

138 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mike Erceg, Guardian of the Estate of George Gartner (an Insane Person),

Petitioner,

139 vs.

Fairbanks Exploration Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION OF the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pearl A. Long,

Petitioner,

140 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Grace Thornhill Chesser, et al.,

Petitioners,

141 vs.

United Production Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Public Mutual Benefit Foundation,

Petitioner,

144 vs.

Owen B. Hunt, Insurance Commissioner of the Commonwealth of Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John M. McGrath and William T. Cowin, as Trustees in Reorganization of the Prudence Company, Inc.,

Petitioners,

145 vs.

Alfred T. Davison.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Virgil C. Brink and George M. Thompson, Trustees, etc.,

Petitioners,

148 vs.

Commissioner of Corporations and Taxation.

On petition for writ of certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts, County of Suffolk.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Judicial Court of the Commonwealth of Massachusetts, County of Suffolk, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John T. Murphy,

Petitioner,

149 vs.

Kenton County Bar Association on Relation of Mary E. Finnegan, et al.

On petition for writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the Commonwealth of Kentucky, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Securities Allied Corporation (Formerly Chatham Phenix Allied Corporation),

Petitioner,

152 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Securities Allied Corporation (Formerly Chatham Phenix Allied Corporation),

Petitioner,

153 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Louis Edelstein,
Petitioner,
155 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Missouri Pacific Railroad Company,
Petitioner,
156 vs.
Via Graves.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Julia C. Collins, By Coit I. Hughes, Her Guardian ad Litem,
Petitioner,
157 vs.
S. L. Finley.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

D. E. Harris,
Petitioner,
159 vs.
Missouri Pacific Railroad Company.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari to the Supreme Court of the State of Missouri, and of the argument of Counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert V. Morse,
Petitioner,
160 vs.
The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Pennroad Corporation,
Petitioner,
173 vs.
Albert H. Ladner, Jr., Former Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, ex rel. Nathan Fink,

Petitioner,

174 vs.

Rudolph Reimer, Commissioner of Immigration and Naturalization, Ellis Island, New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southern Railway Company,

Petitioner,

175 vs.

Mrs. Olivia Cox Lunsford, Administratrix of the Estate of James M. Cox.

On petition for writ of certiorari to the Court of Appeals of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Georgia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southern Railway Company,

Petitioner,

176 vs.

W. A. Goree.

On petition for writ of certiorari to the Court of Appeals of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Georgia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,
Petitioner,
178 vs.
Legh R. Powell, Jr., and Henry W. Anderson, Receivers of Seaboard Air Line Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States, ex rel. United States Borax Company,
Petitioner,
185 vs.
Harold L. Ickes, Secretary of the Interior.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,
Petitioner,
186 vs.
G. Watson French, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jerihem Seeman, Indicted as Jack Seeman, Alias J. Courtney, Alias Jerome Courtney,
Petitioner,
187 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Leo Ginsburg,
Petitioner,
190 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles Luciano,
Petitioner,
193 vs.
The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York, County of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, County of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

David Betillo, Abraham Wahrman, Thomas Pennochio, et al.,

Petitioners,

194 vs.

The People of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York, County of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, County of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Martin Witte,

Petitioner,

196 vs.

Haven Parker.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward F. Mayer, a Taxpayer of the City of Cincinnati, Ohio, etc.,

Petitioner,

197 vs.

John H. Ames, Director of the Department of Safety of Cincinnati, Ohio, et al.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Kansas City Southern Railway Company,

Petitioner,

198 vs.

B. J. Larsen.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Minneapolis, St. Paul & Sault Ste. Marie Railway Company,

Petitioner,

199 vs.

Industrial Commission of Wisconsin and Peter Pucci.

On petition for writ of certiorari to the Supreme Court of the State of Wisconsin.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Wisconsin, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Louis Dern and Ada Dern,

Petitioners,

201 vs.

Charles B. Tanner, Fred Seidensticker and A. R. Smith, Co-partners, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Singer Sewing Machine Company,
Petitioner,
202 vs.
American Safety Table Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. S. Bache, et al.,
Petitioners,
205 vs.
Louisiana Oil Refining Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James J. Kilgallon, Will C. Moody and Charles Kozminski, Successors in Trust to Union Bank of Chicago, Trustee Under its Trust No. 714,
Petitioners,
209 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William W. Evans, Albert Catalane, Lloyd Berg and the United Piece Dye Works,

Petitioners,

211 vs.

Textile Dyeing & Printing Company of America, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Drainage District No. 1 of Richardson County, Nebraska, a Corporation, H. T. Hahn, Joe Windle, et al., etc.,

Petitioners,

215 vs.

James P. Mooney, and for all Others Similarly Situated.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

County of Santa Barbara, Harold S. Chase, Peter Cooper Bryce and Angelica S. Bryce,

Petitioners,

216 vs.

Thomas B. Bishop Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Geo. F. Dugger, Trustee in Bankruptcy of Appalachian Publishers, Inc.,

Petitioner,

217 vs.

Alfred Jenkins, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Maria Del Pilar Jordan De Urries y Magalhaes, Countess of Santa Cruz De Los Manueles,

Petitioner,

218 vs.

Luis Regino Rojas, Also Known as Luis Regino Del Amo, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Mississippi, ex rel. Rufus Lee Roy,

Petitioner,

219 vs.

Ephraim R. McLean, Sometimes Known as E. R. McLean.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mariano Cu Unjieng,

Petitioner,

220 vs.

The People of the Philippine Islands and the Hongkong and Shanghai Banking Corporation.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of the Philippines, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Conference on Legalizing Lotteries, Inc.,

Petitioner,

223 vs.

James A. Farley, Postmaster General of the United States.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pennsylvania Public Utility Commission,

Petitioner,

224 vs.

Union Traction Company of Philadelphia, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John M. Perry,

Petitioner,

226 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Equitable Life Assurance Society of the United States, et al.,

Petitioners,

230 vs.

Norman R. MacDonald.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Kansas City Southern Railway Company,

Petitioner,

232 vs.

Interstate Commerce Commission, Kansas City Terminal Railway Company, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Red River Broadcasting Company, Inc.,
Petitioner,
233 vs.
Federal Communications Commission and Fred A. Baxter.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Margaret Culbertson Scripps, et al., Executors of the Estate of Robert P. Scripps,
Petitioners,
234 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Roy W. Howard, et al., Successor Trustees of E. W. Scripps Trust Fund,
Petitioners,
235 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Margaret Culbertson Scripps, et al., Executors of the Estate of Robert P. Scripps, Deceased,

Petitioners,

236 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby,denied.

Per Mr. Chief Justice Hughes.

Roy W. Howard, et al., Successor Trustees of E. W. Scripps Trust Fund,

Petitioners,

237 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be,and the same is hereby denied.

Per Mr. Chief Justice Hughes.

West Tennessee Power & Light Company,

Petitioner,

239 vs.

The City of Jackson, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be,and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Moses Scheuer and Nathan Scheuer, Surviving Partners of Scheuer Brothers & Company, et al.,

Petitioners,

248 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Moses L. Purvin and Henry W. Austin, Executors of the Estate of Frederick C. Austin, Deceased,

Petitioners,

250 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION Of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Spokane Silver and Lead Company,

Petitioner,

251 vs.

Harry S. Price, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Nicholas Floratos,
Petitioner,
257 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry C. Steneck and George W. Steneck,
Petitioners,
259 vs.
State of New Jersey.

On petition for writ of certiorari to the Hudson County Court of Quarter Sessions, State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Hudson County Court of Quarter Sessions, State of New Jersey, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ford Motor Company,
Petitioner,
261 vs.
Dyke Cullum.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hartford Accident & Indemnity Company, Petitioner,
262 vs.
Edward R. Collins.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hiram Walker & Sons, Inc., Petitioner,
268 vs.
The United States.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Memphis Furniture Manufacturing Company, Petitioner,
272 vs.
National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Federal Reserve Bank of Philadelphia,
Petitioner,
273 vs.
Leon Levy.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Utah Power and Light Company,
Petitioner,
278 vs.
Provo City, a Municipal Corporation of the State of Utah, Mark Anderson, Mayor of said City, et al.

On petition for writ of certiorari to the Supreme Court of the State of Utah.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Utah, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Curtis Bay Towing Company, a Body Corporate,
Petitioner,
279 vs.
Charles W. Dean.

On petition for writ of certiorari to the Court of Appeals of the State of Maryland.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Maryland, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Chicago Telephone Supply Company,
Petitioner,
280 vs.
The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cleveland Clinic Foundation and Malcolm L. McBride, Administrator, etc.,
Petitioners,
282 vs.
Ethel Tod Humphrys and Central National Bank of Cleveland, Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hubert F. Laugharn, as Trustee in Bankruptcy of Jack Dave Sterling, Bankrupt,
Petitioner,
283 vs.
San Bernstein and Larry Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Easthom-Melvin Company, a Corporation, Thomas Elevator Operating Company, et al.,

Petitioners,

284 vs.

John M. Hoffman, Trading as Hoffman Electric Company, Not Incorporated, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Blue Valley Creamery Company,

Petitioner,

285 vs.

Consolidated Products Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George G. Wislar,

Petitioner,

288 vs.

The United States.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harvey S. Adams, as Receiver of Penn National Bank and Trust Company of Reading, Pennsylvania, et al.,

Petitioners,

289 vs.

Thomas C. Eastman, Herbert L. Dillon, Maurice H. Bent, et al.

On petition for writ of certiorari to the Supreme Court of the State of New York, County of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, County of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Humboldt Lovelock Irrigation Light & Power Company,

Petitioner,

290 vs.

The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jacob Ruppert, a Corporation,

Petitioner,

292 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George L. Shelton, et al.,
Petitioners,
293 vs.
Marion H. Allen, Individually and as Collector of Internal Revenue of the United States for the District of Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In the Matter of
Morris Pierce Paley,
Petitioner.
296

On petition for writ of certiorari to the Supreme Court of the State of New York, Appellate Division, First Judicial Department.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, Appellate Division, First Judicial Department, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,
Petitioner,
297 vs.
Utah-Idaho Sugar Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Kate Moores Graffis, Lila M. Vanderlip and Carl W. Johnson, Trustees,

Petitioners,

298 vs.

Honorable Charles E. Woodward, United States District Judge, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Surety Company of New York,

Petitioner,

299 vs.

Oren S. Mack, as Receiver of the Washington Bank & Trust Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Oren S. Mack, as Receiver of the Washington Bank & Trust Company,

Petitioner,

300 vs.

American Surety Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Kroger Grocery & Baking Company, The F. W. Woolworth Company, et al.,

Petitioners,

305 vs.

James W. Martin and Ben Marshall, Individually and as Members of the State Tax Commission of the Commonwealth of Kentucky, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry B. Du Pont,

Petitioner,

319 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Ex Parte Florence F. Greaves Stone,

Petitioner.

—, Original, O.T. 1937.

ON CONSIDERATION of the motion for reconsideration of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William S. Hicks,

Petitioner,

183 O.T. 1936 vs.

The Mutual Life Insurance Company of New York.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Paysoff Tinkoff,

Petitioner.

18, Original, O.T. 1937

ON CONSIDERATION of the motion for leave to amend the record in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Paysoff Tinkoff,

Petitioner.

18, Original, O.T. 1937.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Harry M. Blair, et al.,

Petitioners.

22, Original, O.T. 1937.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry M. Blair, et al.,

Petitioners,

1021 O.T. 1937 vs.

George W. McClintic, Judge of the District Court of the United States, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Tax Commission of Ohio,

Petitioner,

215 O.T. 1937 vs.

Rollin A. Wilbur, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The St. Louis, Brownsville & Mexico Railway Company, et al.,

Petitioners,

300 O.T. 1937 vs.

Brownsville Navigation District of Cameron County, Texas, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

M. C. Hinderlider, as State Engineer
of the State of Colorado, et al.,

Appellants,

437 O.T. 1937 vs.

The La Plata River and Cherry Creek
Ditch Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James M. Wright,

Petitioner,

715 O.T. 1937 vs.

Union Central Life Insurance Company; and

James M. Wright,

Petitioner,

716 O.T. 1937 vs.

Union Central Life Insurance Company.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

723 O.T. 1937 vs.

National Grocery Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

779 O.T. 1937 vs.

Philip L. Gerhardt;

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

780 O.T. 1937 vs.

Billings Wilson; and

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

781 O.T. 1937 vs.

John J. Mulcahy.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank Ned, Alleged Incompetent,
etc., et al.,

Appellants,

948 O.T. 1937 vs.

S. P. Robinson.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James L. McDonald,

Petitioner,

971 O.T. 1937 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John M. Hughes,

Appellant,

996 O.T. 1937 vs.

Wisconsin Tax Commission, et al.; and

John P. Dromey, Administrator, etc.,

Appellant,

997 O.T. 1937 vs.

Wisconsin Tax Commission, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States ex. rel. Iver Schmidt, et al.,

Petitioners,

1007 O.T. 1937 vs.

Charles W. Miles, United States Marshal.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

D. V. Johnson, doing business, etc.,

Petitioner,

1015 O.T. 1937 vs.

Ingleheart Brothers, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charlotte Morehead, et al.,

Petitioners,

1022 O.T. 1937 vs.

The Central Trust Company of Concinnati, as Executors, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Morris Meyers,

Petitioner,

1024 O.T. 1937 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. K. Fowler, Administrator, etc., et al.,

Petitioners,

1049 O.T. 1937 vs.

Russell B. Seymour, Trustee, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pierce Lonergan,

Petitioner,

1064 O.T. 1937 - vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The United States of America,

Petitioner,

22 vs.

National Continental/Bank and Trust Company, etc., et al.

Motion for substitution submitted by Mr. Solicitor General Jackson for the Petitioner.

The United States of America,

Petitioner,

22 vs.

Continental National Bank and Trust Company, etc., et al.

Motion to dismiss writ of certiorari as to Continental National Bank and Trust Company submitted by Mr. Preston B. Kavanagh in behalf of counsel for the Continental National Bank and Trust Company.

Ex Parte Thomas J. Mooney,

Petitioner.

—, Original.

Motion for leave to file petition for writ of habeas corpus submitted by Mr. John F. Finerty for the Petitioner with leave to file a brief in support thereof within twenty days.

Ex Parte Andrew G. Turcke,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus submitted by Mr. Albert H. Fry for the Petitioner.

The Tennessee Electric Power Company, et al.,

Appellants,

27 vs.

Tennessee Valley Authority, et al.

ON CONSIDERATION of the motion and stipulation signed by counsel for all Appellants and the Government to dismiss the Appellant, Kentucky-Tennessee Light and Power Company, as a party to the appeal in this case,

IT IS ORDERED by this Court that the said motion be, and the

same is hereby, granted; and that the Kentucky-Tennessee Light and Power Company be, and it is hereby, dismissed as a party to the appeal in this case, as provided in said motion and stipulation.

Per Mr. Chief Justice Hughes.

Kellogg Company,

Petitioner,

2 vs.

National Biscuit Company; and

Kellogg Company,

Petitioner,

56 vs.

National Biscuit Company.

Argued by Mr. Thomas D. Thacher for the Petitioner and by Mr. David A. Reed for the Respondent.

Rolla W. Coleman, et al.,

Petitioner,

7 vs.

Clarence W. Miller, as Secretary of the Senate of the State of Kansas, et al.

Argument commenced by Mr. Robert Stone for the Petitioners; continued by Mr. Clarence V. Beck and Mr. E. R. Sloan for the Respondents; by Mr. Rolla W. Coleman for the Petitioners; and concluded by Mr. Robert Stone for the Petitioners.

Albert Benjamin Chandler,
Individually, etc., et al.,

Petitioners,

14 vs.

James W. Wise, et al.

Argument commenced by Mr. J W Jones for the Petitioners and continued by Mr. Solicitor General Jackson for the United States as amicus curiae, by special leave of Court.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Bates Booth, It is ordered that

W. I. Gilbert, Jr., Esquire, of Los Angeles, State of California; and

Don Marlin, Esquire, of Los Angeles, State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold H. Persons, It is ordered that John Ernest Roe, Esquire, of Madison, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James S. Y. Ivins, It is ordered that Wilder Goodwin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest F. Wenderoth, It is ordered that Arthur Lufkin Mundo, Esquire, of San Diego, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that George C. Knutson, Esquire, of Cocoa, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul J. Sedgwick, It is ordered that Raymond G. Brown, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph P. O'Connell, It is ordered that Frank L. Hays, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis A. Gravelle, It is ordered that Lowell L. Martin, Esquire, of Lafayette, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Rolla W. Coleman, W. A. Barron, et al.,

Petitioners,

7 vs.

Clarence W. Miller, as Secretary of the Senate of the State of Kansas, et al.

Leave granted Petitioners to file reply brief by Friday, next, on motion of Mr. Robert Stone for the Petitioners.

Albert Benjamin Chandler, Individually, etc., et al.,

Petitioners,

14 vs.

James W. Wise and Ray B. Moss.

Argument continued by Mr. Solicitor General Jackson for the United

States as amicus curiae, by special leave of Court; by Mr. Lafon Allen for the Respondents; and concluded by Mr. J W Jones for the Petitioners.

Great Northern Railway Company
and George Pappas,

Petitioners,

8 vs.

George Leonidas.

Argued by Mr. William L. Clift for the Petitioners and by Mr. Hugh R. Adair for the Respondent.

Guaranty Trust Company of New York,
Executor, etc.,

Petitioner,

9 vs.

Commonwealth of Virginia.

Argument commenced by Mr. James R. Caskie for the Petitioner and continued by Mr. Abram P. Staples for the Respondent and by Mr. James R. Caskie for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. George R. Shields, It is ordered that Frank L. Martin, Jr., Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh Slater Wertz, It is ordered that Robert J. Fluskey, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Fitts, It is ordered that Olen Henderson, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ex Parte The Century Indemnity Company,
a Corporation,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus sub-

mitted by Mr. Charles W. Arth in behalf of counsel for the Petitioner.

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Guaranty Trust Company of New York,
Executor, etc.,

Petitioner,

9 vs.

Commonwealth of Virginia.

Argument concluded by Mr. James R. Caskie for the Petitioner.

The United States of America,

Petitioner,

10 vs.

One 1936 Model Ford V-8 De Luxe Coach, etc.

Argued by Mr. Gordon Dean for the Petitioner and by Mr. Eugene E. Heaton and Mr. Duane R. Dills for the Respondent.

Guy T. Helvering, Commissioner
of Internal Revenue,

Petitioner,

11 vs.

Robert C. Winmill.

Argued by Mr. Arnold Raum for the Petitioner and by Mr. Thomas M. Wilkins for the Respondent.

D. F. Stahmann, Anna M. Stahmann,
et al., etc.,

Petitioners,

12 vs.

S. P. Vidal, Collector of Internal
Revenue, etc.

Argument commenced by Mr. Thornton Hardie for the Petitioners and continued by Mr. Assistant Solicitor General Bell for the Respondent.

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry A. Schweinhaut, It is ordered that Carl S. McCarthy, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert S. Keebler, It is ordered that Millsaps Fitzhugh, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Rogers, It is ordered that Edward J. Svoboda, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Aaron Harry Crowell, It is ordered that Julius J. Wuerthner, Esquire, of Great Falls, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles S. Pieper, It is ordered that Charles B. Ellard, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Brenner, It is ordered that Frederic R. Kennedy, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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D. F. Stahmann, Anna M. Stahmann, et al., etc.,

Petitioners,

12 vs.

S. P. Vidal, Collector of Internal Revenue, etc.

Argument continued by Mr. Assistent Solicitor General Bell for the Respondent and concluded by Mr. Thornton Hardie for the Petitioners.

Earle S. Welch,

Appellant,

13 vs.

Robert K. Henry and Solomon Levitan, State Treasurer of the State of Wisconsin.

Argued by Mr. John M. Campbell for the Appellant and by Mr. Leo E. Vaudreuil and Mr. Harold H. Persons for the Appellees.

Waialua Agricultural Company, Limited,

Petitioner,

15 vs.

Eliza R. P. Christian, an incompetent person, etc., et al.; and

Eliza R. P. Christian, an incompetent person, etc.,

Petitioner,

17 vs.

Waialua Agricultural Company, Limited.

Argument commenced by Mr. M. C. Sloss for Christian, et al., and continued by Mr. Herman Phleger for the Waialua Agricultural Company, Limited, and by Mr. M. C. Sloss for Christian, et al.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Newman Alexander Townsend, It is ordered that Thos. C. Hoyle, Jr., Esquire, of Greensboro, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Newman Alexander Townsend, It is ordered that Herman Clymer Wilson, Esquire, of Greensboro, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Waialua Agricultural Company, Limited,

Petitioner,

15 vs.

Eliza R. P. Christian, an incompetent person, etc., et al.;

and

Eliza R. P. Christian, an incompetent person, etc.,

Petitioner,

17 vs.

Waialua Agricultural Company, Limited.

Argument concluded by Mr. M. C. Sloss for Christian, et al.

Mark O. Davis,

Petitioner,

16 vs.

Maude E. Davis.

Argued by Mr. Joseph T. Sherier for the Petitioner and by Mr. Crandal Mackey for the Respondent.

James E. Davidson,

Petitioner,

18 vs.

Commissioner of Internal Revenue.

Argued by Mr. Edward J. Svoboda for the Petitioner and by Mr. Edward J. Ennis for the Respondent.

J. O. Stoll,

Petitioner,

20 vs.

William Gottlieb.

Argued by Mr. Albert W. Frochde for the Petitioner and case submitted by Mr. David J. Shipman for the Respondent.

Consolidated Edison Company of New York, Inc., etc., et al.,

Petitioners,

19 vs.

National Labor Relations Board, et al.; and

International Brotherhood of Electrical
Workers, et al.,

Petitioners,

25 vs.

National Labor Relations Board, et al.

Five hours allowed for oral argument.

Argument commenced by Mr. William L. Ransom for the Petitioners in No. 19.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F.Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that Louis Mead Treadwell, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude Pepper, It is ordered that

E. Glenn Grimes, Esquire, of Bradenton, State of Florida;

Joseph Weintraub, Esquire, of Miami, State of Florida; and

James M. Lee, Esquire, of Tallahassee, State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Wyatt, It is ordered that Ralph E. Carhart, Esquire, of Marion, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Benton, It is ordered that Alvin A. Kurtz, Esquire, of Salem, State of Oregon,

be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Clay Espey, It is ordered that Henry Graff, Esquire, of Bradford, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. Marshall Bullitt, It is ordered that Peery Price, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Neblett, It is ordered that Vernon A. Bettin, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry A. Julicher, It is ordered that Nell Denson McQuillan, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William S. Hodges, It is ordered that Sidney S. Noehl, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. J. Sears, It is ordered that John William Watson, Jr., Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eliot C. Lovett, It is ordered that

Wilson E. Griffiths, Esquire, of Pittsburgh,
State of Pennsylvania; and

Herbert H. Hawkins, Esquire, of Pittsburgh,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph Bosch, It is ordered that Rogelio Fernandez-Garzot, Esquire, of Naguabo, Territory of Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmore Whitehurst, It is ordered that W. O. Reed, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Walsh, It is ordered that George C. Dyer, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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The United States of America, Petitioner,	On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.
vs.	
One 1936 Model Ford V-8 De Luxe Coach, Motor No. 18-3306511, Commercial Credit Company, Claimant.	

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United

States for the Western District of South Carolina.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler and Mr. Justice Stone took no part in the consideration or decision of this case.

The City of Los Angeles and Ray L. Chesebro,

Appellants,

368 vs.

Los Angeles County Flood Control District, et al.

Appeal from the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal as to the City of Los Angeles, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein as to the City of Los Angeles, be, and the same is hereby, dismissed for the want of a substantial Federal question. As to the remaining Appellant, further consideration of the question of the jurisdiction of this Court and of the motion to dismiss or affirm is postponed to the merits.

Per Mr. Chief Justice Hughes.

Ex Parte Andrew G. Turcke,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Century Indemnity Company,

Petitioner.

—, Original.

A rule is ordered to issue, returnable within 30 days, requiring the Respondents to show cause why leave to file the petition for writ of mandamus should not be granted.

Per Mr. Chief Justice Hughes.

Ex Parte Daisy C. Tegtmeyer,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Georgia,

Complainant,

1, Original, O.T. 1937 vs.

The Tennessee Copper Company, et al.

ON CONSIDERATION of the return and supplemental return to the rule to show cause issued herein to the Ducktown Chemical & Iron Company, and upon the other proceedings in this cause,

IT IS ORDERED by this Court that the rule to show cause herein be, and the same is hereby, discharged.

AND IT IS FURTHER ORDERED that the costs incurred in this case since April 3, 1916, be taxed against the defendant, Tennessee Copper Company.

Per Mr. Chief Justice Hughes.

Hugh Allen Bowen,

Petitioner,

359 vs.

James A. Johnston, Warden, etc.

IT IS ORDERED that Seth W. Richardson, Esq., of Washington, D. C., a member of the bar of this Court, be appointed to serve as counsel for the Petitioner in this case.

Per Mr. Chief Justice Hughes.

Ellen Wall and Ellen Wall, Administratrix of the Estate of Roe Wall,

Petitioner,

393 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ellen Wall and Ellen Wall, Administratrix of the Estate of Roe Wall,

Petitioner,

393 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Minnie Gertrude Freeman
Ferris Rhodes,

Petitioner,

66 vs.

Paul G. Rhodes.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Minnie Gertrude Freeman
Ferris Rhodes,

Petitioner,

66 vs.

Paul G. Rhodes.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rhuel James Dalhover,

Petitioner,

128 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rhuel James Dalhover,
Petitioner,
128 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wilfred Jones,
Petitioner,
147 vs.
The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wilfred Jones,
Petitioner,
147 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hugh Pierre,

Petitioner,

142 vs.

State of Louisiana.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Hugh Pierre,

Petitioner,

142 vs.

State of Louisiana.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Louisiana is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr.Chief Justice Hughes.

Benjamin F. Goodman,

Petitioner,

249 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Benjamin P. Goodman,

Petitioner,

249 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Frank Eichholz,

Appellant,

367 vs.

Public Service Commission of the State of Missouri, et al.

The statement of jurisdiction and motion to dismiss in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court and of the motion to dismiss in this case is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Wichita Royalty Company, et al.,

Petitioners,

314 vs.

City National Bank of Wichita Falls, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Director
Eugene Kessler, District/of Immigration and Naturalization,

Petitioner, Order allowing certiorari.

330 vs.

Joseph George Strecker.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Frank O. Lowden, et al., Trustees, Chicago, Rock Island and Pacific Railway Company,

Petitioners, Order allowing certiorari.

342 vs.

Simonds-Shields-Lonsdale Grain Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner, Order allowing certiorari.

328 vs.

R. J. Reynolds Tobacco Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in

response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone took no part in the consideration and decision of this application.

Consolidated Automatic Merchandising Corporation and Peerless Weighing & Vending Machine Corporation,

Petitioners,

306 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Automatic Toy Corporation,

Petitioner,

307 vs.

Buddy "L" Mfg. Co., Inc., and Edwin J. Bettendorf and William E. Bettendorf, Doing Business as Co-partners, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William S. Hart and Mary Hart, Co-partners, etc.,

Petitioners,

313 vs.

United Artists Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Victor House,
Petitioner,
315 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Celite Corporation,
Petitioner,
322 vs.
The Decalite Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Biddle Purchasing Company, Colonial Molasses Company, Inc., et al.,
Petitioners,
323 vs.
Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hartford Fire Insurance Company,
Petitioner,
331 vs.
Palace Cafe, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Security Fire Insurance Company,
Petitioner,
332 vs.
Palace Cafe, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Raymond Schmitt, Administrator of the Estate of Fred Schmitt, Jr., Deceased,
Petitioner,
333 vs.
Edward G. Platt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Percival D. Lowell, Francis W. Dunmore and Dubilier Condenser Corporation,

Petitioners,

334 vs.

A. G. Triplett, R. M. Triplett, and A. Nelson, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Raffold Process Corporation,

Petitioner,

335 vs.

Castanea Paper Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Hale Thompson,
Petitioner,
336 vs.
Otto Kerner, as Attorney General of the State of Illinois.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, First District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lancashire Shipping Company, Ltd.,
Petitioner,
337 vs.
Harry M. Durning, Collector of Customs, Port of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Masonite Corporation,
Petitioner,
341 vs.
Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State Line & Sullivan Railroad Company,
Petitioner,
345 vs.
David W. Phillips, Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William P. Deppe,
Petitioner,
346 vs.
United States Board of Tax Appeals and Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Mississippi, for the Use of Millard Smith, a Minor, and L. Roy Smith, Father and Natural Tutor Ad Hoc, etc.,
Petitioners,
351 vs.
J. W. Brabham, Sheriff, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The New York, Chicago and St. Louis Railroad Company,

Petitioner,

354 vs.

Jennie May Haynes, Widow and Administratrix of the Estate of William Otto Haynes, Deceased.

On petition for writ of certiorari to the Circuit Court of Madison County, State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Circuit Court of Madison County, State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward F. O'Brien,

Petitioner,

356 vs.

The First National Bank of Chicago, as Trustee, etc.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, First District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, 1st District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Date R. Alexander,

Petitioner,

68 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ali Y. Debeh, Petitioner,

69 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George M. Lindsay, Petitioner,

70 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George M. Lindsay, Jr., Petitioner,

71 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Catherine Schultz,

Petitioner,

671 O.T. 1937 vs.

Live Stock National Bank of Chicago, Administrator, etc.

ON CONSIDERATION of the motion for leave to file a third petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

The Court will take a recess from Monday, October 24, to Monday, November 7, next.

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Orland S. Loomis, Individually, etc., et al.,

Petitioners,

277 vs.

First Federal Savings and Loan Association.

Petition to intervene submitted by Mr. Solicitor General Jackson for the United States.

Dan B. Shields, Individually, etc., et al.,

Petitioners,

28 vs.

The Utah Idaho Central Railroad Company.

Motion of the American Transit Association for leave to appear and present oral argument as amicus curiae submitted by Mr. Robert E. Quirk in that behalf.

Dan B. Shields, Individually, etc., et al.,

Petitioners,

28 vs.

The Utah Idaho Central Railroad Company.

ON CONSIDERATION of the motion of Mr. Robert E. Quirk for leave to appear and present oral argument as amicus curiae in behalf of the American Transit Association in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Consolidated Edison Company of New York, Inc., et al.,

Petitioners,

19 vs.

National Labor Relations Board, et al.; and

International Brotherhood of Electrical Workers, et al.,

Petitioners,

25 vs.

National Labor Relations Board, et al.

Argument continued by Mr. Charles Fahy for the Respondent, National Labor Relations Board in No. 19; by Mr. Isaac Lobe Straus and Mr. Joseph A. Padway for the Petitioners in No. 25; by Mr. Louis B. Boudin for the Respondent (intervenor), United Electrical and Radio Workers of America; by Mr. Charles Fahy for the Respondent, National Labor Relations Board, in No. 25; by Mr. Isaac Lobe Straus for the Petitioners in No. 25; and concluded by Mr. William L. Ransom for the Petitioners in No. 19.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Isaac Lobe Straus, It is ordered that

Isadore Roman, Esquire, of Baltimore,
State of Maryland; and

Sigmund Levin, Esquire, of Baltimore,
State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur R. Robinson, It is ordered that George E. Arthur, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman Tower Ball, It is ordered that

J. Edwin Coates, Esquire, of Washington,
District of Columbia; and

Milford A. Juten, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Black, It is ordered that Homer Jack Fisher, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom C. Clark, It is ordered that W. B. Handley, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. C. Pierce, It is ordered that John L. Graham, Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilber M. Brucker, It is ordered that Francis K. Young, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hervey S. Knight, It is ordered that Fred A. Ontjes, Esquire, of Mason City, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Pasquale J. Federico, It is ordered that

Lee R. Schermerhorn, Esquire, of Washington,
District of Columbia; and

Horace Monroe Baxter, Esquire, of Boston,
State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Wm. H. Neblett, Vernon Bettin, et al.,

Petitioners,

21 vs.

Samuel L. Carpenter, Jr., Insurance Commissioner of the State of California, et al.

Argued by Mr. William H. Neblett for the Petitioners and by Mr. William Marshall Bullitt and Miss Hester W. Webb for the Respondents.

The Schriber-Schroth Company,

Petitioner,

3 vs.

The Cleveland Trust Company, Chrysler Corporation;

The Aberdeen Motor Supply Company,

Petitioner,

4 vs.

The Cleveland Trust Company, Chrysler Corporation;

and

The F. E. Rowe Sales Company,

Petitioner,

5 vs.

The Cleveland Trust Company, Chrysler Corporation.

Argument commenced by Mr. Thomas G. Haight for the Petitioners and continued by Mr. Arthur C. Denison for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William C. Sullivan, It is ordered that Harry E. Smoyer, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel E. Darby, Jr., It is ordered that

Louis D. Fletcher, Esquire, of Scarsdale, State of New York;

Donald J. Overocker, Esquire, of Thornwood, State of New York; and

Floyd H. Crews, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. A. Howell, It is ordered that Neil R. Olmstead, Esquire, of Ogden, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Russell Riordon, It is ordered that John W. Melville, Esquire, of Cincinnati, State of

Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Schriber-Schroth Company,

Petitioner,

3 vs.

The Cleveland Trust Company,
Chrysler Corporation;

The Aberdeen Motor Supply Company,

Petitioner,

4 vs.

The Cleveland Trust Company,
Chrysler Corporation; and

The F. E. Rowe Sales Company,

Petitioner,

5 vs.

The Cleveland Trust Company,
Chrysler Corporation.

Argument continued by Mr. F. O. Richey for the Respondents and concluded by Mr. John H. Bruninga for the Petitioners.

Frank T. Hines, Administrator of
Veterans' Affairs, etc.,

Petitioner,

24 vs.

James J. Lowrey, Committee, etc.

Argued by Mr. Edward E. Odom for the Petitioner and by Mr. William Dike Reed for the Respondent.

Texas Consolidated Theatres, Inc.,

Petitioner,

26 vs.

S. H. Pittman.

Submitted on the statement filed by Mr. W. B. Handley for the Petitioner. No appearance for the Respondent.

Dan B. Shields, Individually and as United States Attorney for the District of Utah, et al.,

Petitioners,

28 vs.

The Utah Idaho Central Railroad Company.

Argument commenced by Mr. Solicitor General Jackson for the Petitioners; continued by Mr. J. A. Howell and Mr. Robert E. Quirk for the Respondent; and concluded by Mr. Solicitor General Jackson for the Petitioners.

General Talking Pictures Corporation,

Petitioner,

1 vs.

Western Electric Company, Inc., et al.

Reargument commenced by Mr. Samuel E. Darby, Jr., for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Samuel E. Darby, Jr., It is ordered that Edmund C. Rogers, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that Raymond V. Haun, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Jerome R. Epstein, Esquire, of Elizabeth, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ashley Sellers, It is ordered that Wm. A. Leonard, Esquire, of Columbus, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur L. Quinn, It is ordered that Guillermo Silva Silva, Esquire, of San Juan, Terri-

tory of Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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General Talking Pictures Corporation,

Petitioner,

1 vs.

Western Electric Company, Inc., et al.

Reargument continued by Mr. Samuel E. Darby, Jr., for the Petitioner; by Mr. Merrell E. Clark for the Respondents; and concluded by Mr. Ephraim Berliner for the Petitioner.

The Polk Company, Bruce's Juices, Inc., et al.,

Appellants,

29 vs.

Manuel M. Glover, as County Solicitor of Polk County, Florida.

Argument commenced by Mr. H. Thomas Austern for the Appellants; continued by Mr. John B. Sutton for the Appellants; by Mr. William C. Pierce and Mr. John L. Graham for the Appellees; and concluded by Mr. H. Thomas Austern for the Appellants.

The United States of America, et al.,

Appellants,

221 vs.

F. O. Morgan, Doing business as F. O. Morgan Sheep Commission Company, et al.

Argument commenced by Mr. Solicitor General Jackson for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that Louise B. Hart, of Columbus, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oscar Brown, It is ordered that

George C. Klauder, Esquire, of Philadelphia,
State of Pennsylvania; and

Samuel Kagle, Esquire, of Philadelphia,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Meyer J. Sawyer, It is ordered that

George Greene, Esquire, of Boston,
State of Massachusetts; and

Louis Razin, Esquire, of Boston,
State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Josephus C. Trimble, It is ordered that Jack A. Schley, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America and
The Secretary of Agriculture,

Appellants,

221 vs.

F. O. Morgan, doing business as
F. O. Morgan Sheep Commission Company, et al.

Argument continued by Mr. Solicitor General Jackson for the Appellants and concluded by Mr. Frederick H. Wood for the Appellees.

The Colorado National Bank of
Denver, et al.,

Petitioners,

30 vs.

Commissioner of Internal Revenue.

Argued by Mr. Morrison Shafroth for the Petitioners and by Mr. Carlton Fox for the Respondent.

The Sovereign Camp of the Woodmen
of the World,

Petitioner,

31 vs.

William P. Bolin, Edward E. Bolin,
et al.

Argued by Mr. John T. Harding for the Petitioner and by Mr. Miles Elliott for the Respondents.

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Proclamation being made the Court is adjourned until Monday, October 24, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Lester P. Schoene, It is ordered that Benjamin George Wilkinson, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oswald Ryan, It is ordered that William P. Evans, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam Reyburn, It is ordered that M. Ben Brooks, Esquire, of Kaufman, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George E. Tolman, It is ordered that Joshua S. Koenigsberg, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jack Bernard Tate, It is ordered that Curtis T. Youngblood, Esquire, of Ashdown, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jennings Bailey, Jr., It is ordered that Frederick E. Bauer, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Ruth Weyand, It is ordered that Alfred Kamin, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. English, Jr., It is ordered that John W. Hoffman, Jr., Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Claude M. Houchins, It is ordered that George W. Irving, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom C. Clark, It is ordered that M. C. Martin, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles B. Lingamfelter, It is ordered that Maurice G. Alexander, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom C. Clark, It is ordered that Joe Sharp, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy St. Lewis, It is ordered that O. A. Cargill, Jr., Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ernest Newton Kalb,
Appellant,
vs.
Roscoe R. Luce, Henry Feuerstein, Helen Feuerstein and George O'Brien.

Appeal from the Supreme Court of the State of Wisconsin.

374

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a final judgment.

Per Mr. Chief Justice Hughes.

Ernest Newton Kalb and Margaret Kalb,
Appellants,
vs.
Henry Feuerstein and Helen Feuerstein.

Appeal from the Supreme Court of the State of Wisconsin.

375

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a final judgment.

Per Mr. Chief Justice Hughes.

Ex Parte Louise Dean Moyer,
Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr.Chief Justice Hughes.

Ex Parte Taylor Seals,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Orland S. Loomis, Individually, etc., et al.,

Petitioners,

277 vs.

First Federal Savings and Loan Association.

ON CONSIDERATION of the motion of the United States for leave to intervene in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Elbert B. Lindsey and E. R. Lindsey,

Petitioners,

411 vs.

State of Washington.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elbert B. Lindsey and E. R. Lindsey,

Petitioners,

411 vs.

State of Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Joyce Mae Scarborough, et al.,

Petitioners,

379 vs.

C. R. Long and Joseph Frietag.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Joyce Mae Scarborough and Mrs. Nannie Nichols,

Petitioners,

379 vs.

C. R. Long and Joseph Frietag.

On petition for writ of certiorari to the Supreme Court of the State of Georgia.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the Supreme Court of the State of Georgia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry J. Tompkins,
Petitioner,
402 vs.
Erie Railroad Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry J. Thompkins,
Petitioner,
402 vs.
Erie Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

360 vs.

Charles P. Towery, in His Own Right and as Administrator of the Estate of Robert C. Towery, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Keifer and Keifer, a Co-partnership, Composed of J. Warren Keifer, Jr., and Oswin Keifer,

Petitioner,

364 vs.

Reconstruction Finance Corporation and Regional Agricultural Credit Corporation of Sioux City, Iowa.

Order allowing certiorari.

The petition for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, limited to the first question presented in the petition.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Great Atlantic & Pacific Tea Company,

Petitioner,

380 vs.

State of Louisiana.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the judgment sought herein to be reviewed is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

Ingram Day Lumber Company,
Petitioner,
321 vs.
The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel Pancoe,
Petitioner,
343 vs.
J. H. Southman, Permanent Trustee of Park Beach Hotel Building Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel Pancoe,
Petitioner,
344 vs.
J. H. Southman, Permanent Trustee of Park Beach Hotel Building Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

347 vs.

Eugene W. Waterbury.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

348 vs.

Donald N. Waterbury.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

349 vs.

Charlotte M. Waterbury.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

350 vs.

Whitford N. Waterbury.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

N. L. Lawrence,

Petitioner,

355 vs.

State of North Carolina.

On petition for writ of certiorari to the Supreme Court of the State of North Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of North Carolina, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy A. Thompson, Trustee of the Missouri Pacific Railroad Company,

Petitioner,

357 vs.

Linnie R. Stott, Administratrix of the Estate of Robert N. Stott, Deceased.

On petition for writ of certiorari to the Appellate Court of the State of Illinois, 4th District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Court of the State of Illinois, 4th District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Annette Strauss, as Special Administratrix of the Estate of Joseph B. Strauss, Deceased, and Annette Strauss,

Petitioners,

358 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Jennie E. Tate,

Petitioner,

361 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jennie E. Tate, Executrix of the Last Will and Testament of Frank R. Tate, Deceased,

Petitioner,

362 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

International Company of St. Louis,
Petitioner,
363 vs.
Occidental Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mac Caldwell, by Next Friend, Mrs. Bessie Caldwell,
Petitioner,
366 vs.
Standard Accident Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mortgage Guarantee Company,
Petitioner,
369 vs.
Herbert V. Apartments Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Staley Elevator Co., Inc., 570 Building Corporation, Samuel Cohen and Jacob C. Cohen,

Petitioners,

372 vs.

Otis Elevator Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Glycerin Company,

Petitioner,

378 vs.

Eason Oil Company, Marion Oil Corporation and Grisso Royalty Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

New York Life Insurance Company,

Petitioner,

397 vs.

Clarence G. Jackson, Edna A. Jackson, and Edna A. Jackson, Guardian Ad Litem of Clarence G. Jackson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Commonwealth of Massachusetts,

Complainant,

—, Original. vs.

State of Missouri, et al.

Motion for leave to file bill of complaint submitted by Mr. Paul A. Dever and Mr. Edward O. Proctor for the Complainant.

Sam J. Boller,

Appellant,

151 vs.

The State of Kansas.

Motion to reinstate appeal submitted by counsel for the Appellant.

Edward H. Titus,

Petitioner,

188 vs.

Lou C. Wallick.

Motion designating additional portions of the record to be printed submitted by Mr. Rolland H. Edmonds for the Respondent.

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Proclamation being made the Court is adjourned until Monday, November 7, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that

Lloyd E. Price, Esquire, of Fort Worth,
State of Texas; and
Allan Shivers, Esquire, of Port Arthur,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that

Ordner T. Bundlie, Esquire, of Saint Paul,
State of Minnesota; and
Bert McMullen, Esquire, of Minneapolis,
State of Minnesota;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ash, It is ordered that Park Street, Esquire, of San Antonio, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William McCraw, It is ordered that Albert Green Walker, Esquire, of Vernon, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George I. Haight, It is ordered that Moses Levitan, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward S. Rogers, It is ordered that William T. Woodson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. Russell Shetterly, It is ordered that Edward V. Dunklee, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry F. Butler, It is ordered that

Gerhard R. Gerhard, Esquire, of New York, State of New York;

Thomas F. D. Haines, Esquire, of New York, State of New York; and

Frank S. Bayley, Esquire, of Seattle, State of Washington;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earle F. Gill, It is ordered that Geo. H. Rawlins, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benj. F. J. Odell, It is ordered that Kenart M. Rahn, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur H. Deibert, It is ordered that Thomas D. Caldwell, Esquire, of Harrisburg, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Cobb, It is ordered that Fred H. Elliott, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irvin Geiger, It is ordered that

Gerald A. Doyle, Esquire, of Cleveland, State of Ohio; and

Howell Leuck, Esquire, of Cleveland, State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert L. Cox, It is ordered that Robert Leyburne Patterson, Esquire, of Trenton, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Goetz, It is ordered that M. Hudson Rathburn, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Godfrey L. Munter, It is ordered that George F. Mehling, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hartwell H. Linney, It is ordered that Lucas E. Kilkenny, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Waialua Agricultural Company, Limited,

Petitioner,

15 vs.

Eliza R. P. Christian, an Incompetent Person, by Herman V. Von Holt, Her Guardian, et al.

On writ of certiorari and cross writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

Eliza R. P. Christian, an Incompetent Person, by Herman V. Von Holt, Her Guardian,

Petitioner,

17 vs.

Waialua Agricultural Company, Limited.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause be, and the same is hereby, reversed, and that the decree of the Supreme Court of the Territory of Hawaii dated March 25, 1935, be and the same is hereby affirmed; costs in this Court to be taxed in favor of the Waialua Agricultural Company, Limited.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the Supreme Court of the Territory of Hawaii.

Per Mr. Justice Reed.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

11 vs.

Robert C. Winmill.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Frank T. Hines, Administrator of Veterans' Affairs, United States Veterans' Administration,

Petitioner,

24 vs.

James J. Lowrey, Committee of the Person and Estate of William Garmes, an Incompetent Person.

On writ of certiorari to the Supreme Court of the State of New York, Appellate Division, 2nd Department.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Appellate Division, 2nd Department, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

D. F. Stahmann, Anna M. Stahmann and Joyce F. Stahmann, Doing Business as Stahmann Farms Company,

Petitioners,

12 vs.

S. F. Vidal, Collector of Internal Revenue for the District of New Mexico.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Reed took no part in the consideration or decision of this case.

The Sovereign Camp of the Woodmen of the World,

Petitioner,

31 vs.

William F. Bolin, Edward E. Bolin and Samuel A. Bolin, et al.

On writ of certiorari to the Kansas City Court of Appeals of the State of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the Kansas City Court of Appeals of the State of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals, in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

The Schriber-Schroth Company,

Petitioner,

3 vs.

The Cleveland Trust Company, Chrysler Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Decree was filed Nov. 14, 1938

see pp. 311-12.

The Aberdeen Motor Supply Company, Petitioner, vs. The Cleveland Trust Company, Chrysler Corporation. — On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

4

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

The P. E. Rowe Sales Company, Petitioner, vs. The Cleveland Trust Company, Chrysler Corporation. — On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

5

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Mandate issued Dec. 12 1938 -
see p.p. 311-12

Mark O. Davis,
Petitioner,
16 vs.
Maude E. Davis.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Butler.

James E. Davidson,
Petitioner,
18 vs.
Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Butler.

Guaranty Trust Company of New York, Executor of the Estate of Mary T. Ryan, Deceased,
Petitioner,
9 vs.
Commonwealth of Virginia.

On writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

THIS CAUSE came on to be heard on the transcript of the record

from the Supreme Court of Appeals of the Commonwealth of Virginia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court of Appeals, in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice McReynolds.

The Colorado National Bank of Denver and Gertrude Hendrie Grant, Executors of the Estate of Edwin B. Hendrie, Deceased,

Petitioners,

30 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed, and the judgment of the Board of Tax Appeals affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice McReynolds.

Mr. Justice Reed concurs on the ground that the conclusion of the Board that the transfer was not made in contemplation of death was justified. There was substantial evidence of a life motive and the Board did not find an effective motive in contemplation of death.

Dissenting opinion by Mr. Justice Black.

Great Northern Railway Company and George Pappas,

Petitioner,

8 vs.

George Leonidas.

On writ of certiorari to the Supreme Court of the State of Montana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Montana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court with respect to the peti-

tioner, Great Northern Railway Company, be, and the same is hereby, affirmed with costs. As to the petitioner, George Peppas, the writ of certiorari is dismissed.

Per Mr. Chief Justice Hughes.

Mr. Justice Black is of the opinion that the writ of certiorari should be dismissed as to both petitioners.

Texas Consolidated Theatres, Inc., Petitioner, vs. S. H. Pittman. — On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

26

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the writ of certiorari herein be, and the same is hereby, dismissed with costs against petitioner; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Texas.

Per Mr. Chief Justice Hughes.

The Polk Company, Bruce's Juices, Inc., and Holly Hill Fruit Products, Inc., et al., Appellants, vs. Manuel M. Glover, as County Solicitor of Polk County, Florida. — Appeal from the District Court of the United States for the Southern District of Florida.

29

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Dissenting opinion by Mr. Justice Black.

The Chief Justice announced the following orders of the Court:

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Ben Anderson, et al., Appellants, vs. Northern States Contracting Company and Aetna Casualty and Surety Company. — Appeal from the Court of Appeals of the Commonwealth of Kentucky.

240

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the Commonwealth of Kentucky, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration or decision of this case.

Ben Anderson, et al., Appellants, vs. Northern States Contracting Company, et al. — Appeal from the Court of Appeals of the Commonwealth of Kentucky.

240

TREATING the appeal papers herein from the Court of Appeals of the Commonwealth of Kentucky as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration or decision of the application in this case.

Green Brown, et al., Appellants, vs. Swords-McDougal Company and Standard Accident Insurance Company of Detroit. — Appeal from the Court of Appeals of the Commonwealth of Kentucky.

241

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the Commonwealth of Kentucky, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration or decision of this case.

Green Brown, et al., Appellants, vs. Swords-McDougal Company, et al. — Appeal from the Court of Appeals of the Commonwealth of Kentucky.

241

TREATING the appeal papers herein from the Court of Appeals of the Commonwealth of Kentucky as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration or decision of the application in this case.

Will Knox, et al., Appellants, vs. Massachusetts Bonding and Insurance Company. — Appeal from the Court of Appeals of the Commonwealth of Kentucky.

242

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the Commonwealth of Kentucky, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration or decision of this case.

Will Knox, et al., Appellants,

vs.

Massachusetts Bonding and Insurance Company.

Appeal from the Court of Appeals of the Commonwealth of Kentucky.

242

TREATING the appeal papers herein from the Court of Appeals of the Commonwealth of Kentucky as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Butler took no part in the consideration or decision of the application in this case.

Lester A. Crancer and George B. Fleischman, Co-partners Doing Business Under the Firm Names of Valley Steel Products Company, et al., Appellants,

vs.

The United States of America and Interstate Commerce Commission.

Appeal from the District Court of the United States for the Eastern District of Missouri.

405

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

Diamond Tank Transport, Inc., Inland Petroleum Transportation Co., Inc., et al., Appellants,

vs.

The United States of America, Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the Western District of Washington.

410

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Washington, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

Dr. H. R. Parker, Appellant,

423 vs.

City of Greensboro, North Carolina.

Appeal from the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Sam J. Boller, Appellant,

151 vs.

The State of Kansas.

ON CONSIDERATION of the motion to reinstate the appeal in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Sam J. Boller, Appellant,

151 vs.

The State of Kansas.

Appeal from the Supreme Court of the State of Kansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Sam J. Boller, Appellant, vs. The State of Kansas. — Appeal from the Supreme Court of the State of Kansas.

151

TREATING the appeal papers herein from the Supreme Court of the State of Kansas as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Twin Falls County, State of Idaho, Appellant, vs. Marie Henderson. — Appeal from the Supreme Court of the State of Idaho.

409

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Idaho, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed (1) for the want of a substantial federal question; (2) for the reason that the judgment sought herein to be reviewed is based upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Romano Lukiancguk,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Commonwealth of Massachusetts,

Complainant,

—, Original. vs.

State of Missouri, et al.

A rule is ordered to issue, returnable December 12th, next, requiring the Defendants to show cause why leave to file the bill of complaint herein should not be granted.

Per Mr. Chief Justice Hughes.

Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, et al.,

Appellants,

329 vs.

Phil H. Gallagher, Individually and as State Treasurer of the State of Washington, et al.

ON CONSIDERATION of the motion of G. W. Hamilton, Attorney General of the State of Washington, to dismiss the appeal in this case,

IT IS ORDERED by this Court that the said motion to dismiss be, and the same is hereby, granted as to Ernest N. Hutchinson, John D. Evans, and Sam M. Driver, and that the appeal herein be, and the same is hereby, dismissed as to those three Appellees. In all other respects the motion is denied.

Per Mr. Chief Justice Hughes.

Edward H. Titus,

Petitioner,

188 vs.

Lou C. Wallick.

The motion of the Respondent for an order requiring designated portions of the record to be printed is granted, and It is ordered that those portions of the record specified in Respondent's motion which are not included in the Petitioner's designation heretofore filed be printed, without prejudice to the authority of the Court to make such order as to costs as it may deem proper, if it appears that the Respondent has caused unnecessary parts of the record to be printed.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

22 vs.

Continental National Bank and Trust Company, Trustee, etc., et al.

ON CONSIDERATION of the motion to substitute the Continental Illinois National Bank and Trust Company, Executor, etc., as a party Respondent in this case and of the motion to join the Continental Illinois National Bank & Trust Company of Chicago, Trustee, as a new party Respondent,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied. Further consideration of the motion to dismiss is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Samuel Miller,

Petitioner,

420 vs.

Lykes Brothers-Ripley Steamship Company, Inc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel Miller,

Petitioner,

420 vs.

Lykes Brothers-Ripley Steamship Company, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

C. L. Hammond,

Petitioner,

422 vs.

Clyde I. Plummer, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

C. L. Hammond,

Petitioner,

422 vs.

Clyde I. Plummer, Warden of the State Prison at Folsom, California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milton Prebyl,

Petitioner,

429 vs.

Prudential Insurance Company of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milton Prebyl,

Petitioner,

429 vs.

Prudential Insurance Company of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elisabeth C. Herndon,

Petitioner,

400 vs.

Pulaski County.

ON CONSIDERATION of the motion for leave to proceed herein on the typewritten record,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elisabeth C. Herndon,
Petitioner,
400 vs.
Pulaski County.

On petition for writ of certiorari to the Supreme Court of the State of Arkansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Arkansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, et al.,
Appellants,
432 vs.
Dan E. Maher, Doing Business as Interstate Busses.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

A. B. Hale, as Chairman, et al., etc.,
Appellants,
418 vs.
Bimco Trading, Inc., et al.

The statement of jurisdiction and motion to dismiss or affirm in this case having been submitted and considered by the Court, probable jurisdiction is noted. Further consideration of the motion to dismiss or affirm is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Guaranty Trust Company of New York, as Trustee Under St. Louis Southwestern Railway Company First Terminal and Unifying Mortgage Dated January 1, 1912,

Petitioner,

384 vs.

Merryman Henwood, Trustee of St. Louis Southwestern Railway Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

391 vs.

Elizabeth C. Jacobs, Executrix of the Last Will and Testament of W. Francis Jacobs, Deceased.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

First Chrold Corporation,

Petitioner,

385 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, and the case is assigned for argument immediately following No. 328.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Arthur C. Harvey,
Petitioner,
303 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Standard Education Society, Standard Encyclopedia Corporation, et al.,
Petitioners,
365 vs.
Federal Trade Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sigurd A. Emerson,
Petitioner,
370 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wade H. Cooper,

Petitioner,

376 vs.

J. F. T. O'Connor, F. G. Awalt, Gibbs Lyons and George P. Barse.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wade H. Cooper,

Petitioner,

377 vs.

J. F. T. O'Connor, Robert C. Baldwin, F. G. Awalt, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Aero Neck Band & Collar Co., Inc., Edward Lind and David Feigenbaum,

Petitioners,

381 vs.

Beaver Manufacturing Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Chicago Pneumatic Tool Company,
Petitioner,
382 vs.
Hughes Tool Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Morrell & Co.,
Petitioner,
383 vs.
Boyd W. Doyle, Frederick Doyle and Boyd W. Doyle, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Florida Power & Light Company,
Petitioner,
386 vs.
City of Miami, a Municipal Corporation Under the Laws of the State of Florida, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Caroline C. Spalding,

Petitioner,

387 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Silsby M. Spalding,

Petitioner,

388 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Millie Belle Brown, Executrix of the Will of Guy C. Brown, Deceased,

Petitioner,

389 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Laura Miller Boyer, Administratrix With the Will Annexed and Sole Legatee Under the Will of Myron L. Boyer, Deceased,

Petitioner,

390 vs.

Standish Backus, Henry E. Candler and Detroit Trust Company, etc., et al.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Morris M. Halsted,

Petitioner,

396 vs.

State Highway Commissioner for the Condemnation of Certain Lands in Oakland County, Michigan.

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Engineering and Research Corporation and Automatic Signal Corporation,

Petitioners,

406 vs.

Horni Signal Manufacturing Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ellen Johnson, as Administratrix of the Estate of John Johnson, Deceased,

Petitioner,

424 vs.

Stromberg Carlson Telephone Mfg. Co.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George W. Helme Company,

Petitioner,

371 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Agnes Sliwa, in Behalf of Herself and All Other Parties Similarly Situated and Affected, etc.,

Petitioner,

394 vs.

United States Steel Corporation, et al.

On petition for writ of certiorari to the Supreme Court of the State of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Marie C. Carusi and Joseph J. Moebs,

Petitioners,

395 vs.

Alma Schulmerick.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William L. Adams, Howard Buffett, E. W. Hughes, et al., etc.,

Petitioners,

398 vs.

Great Lakes Utilities Corporation and Caleb S. Layton, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby,denied.

Per Mr. Chief Justice Hughes.

William L. Adams, Howard Buffett, E. W. Hughes, et al., etc.,

Petitioners,

399 vs.

Great Lakes Utilities Corporation and Caleb S. Layton, et al., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

C. I. T. Corporation,
Petitioner,
401 vs.
Leslie R. Himes, Trustee in Bankruptcy of J. S. Keck, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Saint Paul Mercury Indemnity Company,
Petitioner,
404 vs.
Red Cab Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harris Hammond,
Petitioner,
414 vs.
Irving Trust Company, as Trustee in Bankruptcy of Sonora Products Corporation of America, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

10 vs.

One 1936 Model Ford V-8 De Luxe Coach, etc.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, granted. The judgment of affirmance entered October 17, 1938, is vacated and the case is restored to the docket for reargument.

Per Mr. Chief Justice Hughes.

Justin L. Mitchell,

Petitioner,

134 vs.

The People of the State of Illinois.

ON CONSIDERATION of the application for a stay of the issuance and operation of the order denying a petition for writ of certiorari in this case and of the motion for an extension of time within which to file a brief in support of the petition for rehearing,

IT IS ORDERED by this Court that the said application and motion be, and the same are hereby, denied.

Per Mr. Chief Justice Hughes.

Justin L. Mitchell,

Petitioner,

134 vs.

The People of the State of Illinois.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Francis Scalese,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elkhorn Coal Company,

Petitioner,

64 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas N. Dysart, Trustee, etc.,

Petitioner,

83 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mutual Benefit Health and Accident Association,

Petitioner,

115 vs.

Ralley A. Warrell.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

City National Bank and I. H. Nakdimen,

Petitioners,

131 vs.

Henry C. Sternberg.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John T. Murphy,

Petitioner,

149 vs.

Kenton County Bas Association, etc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sovereign Camp of the Woodmen of the World,

Appellant,

181 vs.

Don R. Casados, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Public Service Company of Indiana, et al.,

Appellants,

214 vs.

City of Lebanon, Indiana.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Crescent Creamery, Inc., et al.,

Appellants,

238 vs.

Milk Control Board of the State of Indiana, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harvey S. Adams, as Receiver,
etc., et al.,

Petitioners,

289 vs.

Thomas C. Eastman, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Surety Company of New York,

Petitioner,

299 vs.

Oren S. Hack, as Receiver, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Oren S. Hack, as Receiver, etc.,

Petitioner,

300 vs.

American Surety Company of New York.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward F. O'Brien,

Petitioner,

356 vs.

The First National Bank of Chicago, as Trustee, etc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The State of Texas,

Complainant,

11, Original vs.

The State of Florida, et al.

Report of the Special Master submitted by Mr. John S. Flannery, Special Master.

The United States of America,

Appellant,

309 vs.

Durkee Famous Foods, Inc.; and

The United States of America,

Appellant,

310 vs.

Manhattan Lighterage Corporation.

Motions to enlarge the records submitted by Mr. Roger Hinds for the Appellees.

The United States of America,

Appellant,

311 vs.

Colgate-Palmolive-Peet Company.

Motion to enlarge the record submitted by Mr. John A. Hartpence for the Appellee.

Carl Perry,

Appellant,

146 vs.

The State of Kansas.

Motion to reinstate the appeal submitted by counsel for the Appellant.

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State of California,

Complainant,

13, Original vs.

Murray W. Latimer, et al.

Motion to substitute party Defendant submitted by Mr. H. H. Linney in that behalf.

State of California,

Complainant,

13, Original vs.

Murray W. Latimer, et al.

ON CONSIDERATION of the motion to substitute M. R. Reed, individually and as a member of the Railroad Retirement Board, as a party Defendant in this case in the place and stead of James A. Dailey, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

State of California,

Complainant,

13, Original vs.

Murray W. Letimer, et al.

Argument on the bill of complaint and motion to dismiss commenced by Mr. Warner W. Gardner for the Defendants; continued by Mr. Lucas E. Kilkenny for the Complainant; and concluded by Mr. Warner W. Gardner for the Defendants.

Hyman Scher, alias William Scher,

Petitioner,

49 vs.

The United States of America.

Argued by Mr. Gerald A. Doyle for the Petitioner and by Mr. Alexander Holtzoff for the Respondent.

Armstrong Paint and Varnish Works,

Petitioner,

51 vs.

Nu-Enamel Corporation, an Illinois Corporation, et al.

Argument commenced by Mr. Moses Levitan for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, NOVEMBER 8, 1938.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert Ash, It is ordered that George J. Engelman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that Russell L. Wolden, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Trammell, It is ordered that George B. Furman, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph B. Stewart, It is ordered that George Sipkin, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Hamilton Houston, It is ordered that S. R. Redmond, Esquire, of Saint Louis,

State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph B. Stewart, It is ordered that

Ralph R. Young, Esquire, of Washington,
District of Columbia;

Arthur W. Crocker, Esquire, of Silver Spring,
State of Maryland; and

Cyril W. Dawson, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles B. McInnis, It is ordered that Justin N. Reinhardt, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ross H. Snyder, It is ordered that Jehiel G. Shipman, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mahlon C. Masterson, It is ordered that George L. Walker, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Pitts, It is ordered that Samuel M. Weinstein, Esquire, of Roanoke, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Horace Monroe Baxter, It is ordered that E. James Sax, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elphege Desgres, It is ordered that William J. Conlyn, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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State of Missouri, at the relation of Lloyd Gaines,

Petitioner,

57 vs.

S. W. Canada, Registrar of the University of Missouri, et al.

Motion for leave to file brief of American Civil Liberties Union, Inc., as amicus curiae, submitted by Mr. Sol M. Alpher.

State of Missouri, at the relation of Lloyd Gaines,

Petitioner,

57 vs.

S. W. Canada, Registrar of the University of Missouri, et al.

ON CONSIDERATION of the motion for leave to file brief of the American Civil Liberties Union, Inc., as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Armstrong Paint and Varnish Works,

Petitioner,

51 vs.

Nu-Enamel Corporation, an Illinois Corporation, et al.

Argument continued by Mr. Moses Levitan for the Petitioner, by Mr. Edward S. Rogers for the Respondents, and concluded by Mr. George I. Haight for the Petitioner.

Roy G. Harris and Benjamin
P. J. Odell,

Petitioners,

53 vs.

Avery Brundage Company, et al.

Argued by Mr. Benjamin P. J. Odell and Mr. Kenart M. Rahn for the Petitioners and by Mr. Sigmund W. David for the Respondents.

A. E. McDonald,

Petitioner,

55 vs.

Ernest O. Thompson, et al.

Argument commenced by Mr. Lloyd E. Price for the Petitioner and continued by Mr. William McCraw for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Frederick Ewin Youngman, It is ordered that Clayton L. Orn, Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph A. Padway, It is ordered that Irving S. Nathan, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vincent M. Miles, It is ordered that

Fred A. Donham, Esquire, of Little Rock,
State of Arkansas; and

Henry E. Spitzberg, Esquire, of Little Rock,
State of Arkansas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Sophronia Jane Lasica, It is ordered that Simon Lasica, Esquire, of Arlington, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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A. E. McDonald,

Petitioner,

55 vs.

Ernest O. Thompson, et al.

Argument continued by Mr. Albert G. Walker for the Respondents and concluded by Mr. T. S. Christopher for the Petitioner.

State of Missouri, at the relation of Lloyd Gaines,

Petitioner,

57 vs.

S. W. Canada, Registrar of the University of Missouri, et al.

Argument commenced by Mr. Charles H. Houston for the Petitioner; continued by Mr. Sidney R. Redmond for the Petitioner; by Mr. William S. Hogsett and Mr. Fred L. Williams for the Respondent; and concluded by Mr. Charles H. Houston for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

J. Donald Rawlings, Esquire, of New York, New York, N. Y.;

Charles W. Leaphart, Esquire, of Missoula, State of Montana; and

Charles A. Horsky, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alfred E. Driscoll, It is ordered that

Frank T. Lloyd, Esquire, of Merchantville, State of New Jersey; and

S. Lewis Davis, Esquire, of Collingswood, State of New Jersey;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert W. Ludwig, It is ordered that Robert E. Erwin, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wilbur N. Bauman, It is ordered that Edward M. Mooneyham, Esquire, of Lebanon, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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State of Minnesota, by its Attorney General,

Petitioner,

73 vs.

The United States of America.

Argued by Mr. Ordner T. Bundlie for the Petitioner and by Mr. Mac Asbill for the Respondent.

Leave granted the parties to file supplemental briefs within five days.

Gwin, White & Prince, Inc.,

Appellant,

75 vs.

Harold H. Henneford, Thomas S. Hedges, et al.

Argued by Mr. Frank S. Bayley for the Appellant and by Mr. R. G. Sharpe for the Appellees.

Connecticut Railway and Lighting Company,

Petitioner,

63 vs.

Howard S. Palmer, James Lee Loomis, et al.

Argument commenced by Mr. George W. Martin for the Petitioner.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Richard H. Wilmer, It is ordered that Morris Brandon, Jr., Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold G. Mosier, It is ordered that William M. Bustard, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold G. Mosier, It is ordered that Carl A. Mintz, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. Milton Simpson, It is ordered that Carl M. Anderson, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles M. Seymour, It is ordered that Charles D. Sheip, Esquire, of Knoxville, State of

Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Fitts, It is ordered that Thomas A. Pedersen, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that James F. Oates, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Horsky, It is ordered that John Y. Pashgian, Esquire, of Pasadena, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest F. Henry, It is ordered that J. Albert Hultquist, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elbert M. Barron, It is ordered that Paul Sprague Davis, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Fitts, It is ordered that Herbert A. Alpert, Esquire, of Fort Collins, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles B. Lingamfelter, It is ordered that Walter Raleigh Robertson, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Talcott M. Banks, Jr., It is ordered that

Benj. Tillman Huiet, Esquire, of Atlanta,
State of Georgia; and

Marion Williamson, Esquire, of Atlanta, (Mr.)
State of Georgia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Kellogg Company,
Petitioner,
2 vs.
National Biscuit Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree dated April 12, 1937, of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Delaware with direction to dismiss the bill of complaint.

Per Mr. Justice Brandeis.

Dissenting: Mr. Justice McReynolds and Mr. Justice Butler.

Kellogg Company,
Petitioner,
56 vs.
National Biscuit Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the order of May 5, 1938, of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Delaware with direc-

tion to dismiss the bill of complaint.

Per Mr. Justice Brandeis.

Dissenting: Mr. Justice McReynolds and Mr. Justice Butler.

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The Chief Justice announced the following orders of the Court:

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Carl Perry,

Appellant,

146 vs.

The State of Kansas.

ON CONSIDERATION of the motion to reinstate the appeal in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Carl Perry,

Appellant,

146 vs.

The State of Kansas.

Appeal from the Supreme Court of the State of Kansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

Charles H. Kryder,
Appellant,
447 vs.
The State of Indiana..

Appeal from the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Clarence M. Brummett,
Petitioner.
—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Clint Smith,
Petitioner.
—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Ralph Mark,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Texas,

Complainant,

11, Original vs.

State of Florida, et al.

The report of the Special Master herein is received and ordered to be filed.

IT IS ORDERED that exceptions to the said Report, if any, be filed on or before December 12, next; that briefs upon such exceptions be filed on or before January 16; and that reply briefs, if any, be filed on or before January 31.

The cause is assigned for hearing on Monday, February 6, next, at the head of the call for that day.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellant,

309 vs.

Durkee Famous Foods, Inc.;

The United States of America,

Appellant,

310 vs.

Manhattan Lighterage Corporation; and

The United States of America,

Appellant,

311 vs.

The Colgate-Palmolive-Peet Company.

ON CONSIDERATION of the motions to enlarge the records in these cases,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, granted.

Per Mr. Chief Justice Hughes.

Henry S. Long, Chairman, and John P. Kohn, Sr., et al.,

Appellants,

339 vs.

Walter Stokes, Jr., as Commissioner of Finance and Taxation of the State of Tennessee.

ON CONSIDERATION of the motion for leave to file the statement as to jurisdiction in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Henry S. Long, Chairman, and John P. Kohn, Sr., et al.,

Appellants,

339 vs.

Walter Stokes, Jr., as Commissioner of Finance and Taxation of the State of Tennessee.

The statement as to jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

John G. Saxe,

Petitioner,

417 vs.

John S. Shea, as Administrator of the Estate of Charles W. Anderson, Deceased, etc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Lawrence M. Ferribee,

Petitioner,

403 vs.

The United States of America, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John M. Harvey and Lena F. Harvey,

Petitioners,

408 vs.

The Federal Land Bank of Springfield, Massachusetts, and Regional Agricultural Credit Corporation of Albany, New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Martha James Burnett,

Petitioner,

412 vs.

The Amalgamated Phosphate Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State Farm Mutual Auto Insurance Company, of Bloomington, Illinois,

Petitioner,

413 vs.

Edna Hindel, Administratrix of the Estate of Herschel Hindel.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Board of Directors of St. Francis Levee District,

Petitioner,

415 vs.

J. M. Kurn and John G. Lonsdale, Trustees, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry Latz and Harry Latz Service, Inc.,
Petitioners,
419 vs.
Reliance Graphic Corporation, Walter Frisch, Lewis Kleid and Mailings, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mark Graves, John J. Merrill and John P. Hennessey, as Commissioners Constituting the State Tax Commission of the State of New York,
Petitioners,
372 O.T. 1937 vs.
Marion Brown Elliott, Horace F. Phelps, City Bank Farmers Trust Company, et al., etc.

On petition for writ of certiorari to the Surrogates' Court of the County of New York, State of New York.

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted, and the case is assigned for argument immediately following No. 339.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Thomas J. Mooney,

Petitioner,

6 vs.

Court Smith, Warden of San Quentin Penetentiary, State of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Under Rule 33 Mr. Justice Black and Mr. Justice Reed took no part in the consideration and decision of this application.

Ex Parte Andrew G. Turcke,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Automatic Toy Corporation,

Petitioner,

307 vs.

Buddy "L" Mfg. Co., Inc., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Raffold Process Corporation,

Petitioner,

335 vs.

Castanea Paper Company, Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William P. Deppe,

Petitioner,

346 vs.

United States Board of Tax Appeals, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Glycerin Company,

Petitioner,

378 vs.

Eason Oil Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

The Court will take a recess from Monday, November 21, until Monday, December 5, next.

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Ex Parte W. A. Denson,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus submitted by Mr. W. A. Denson, pro se.

Caroline C. Spalding,

Petitioner,

387 vs.

The United States of America; and

Silsby M. Spalding,

Petitioner,

388 vs.

The United States of America.

Motions to recall orders denying petition for writs of certiorari submitted by Mr. Homer Hendricks for the Petitioners.

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Connecticut Railway and Lighting Company,

Petitioner,

63 vs.

Howard S. Palmer, James Lee Loomis, et al.

Argument continued by Mr. George W. Martin and by Mr. Talcott M. Banks, Jr., for the Petitioner; by Mr. Harmon J. Wells and by Mr. James Garfield for the Respondents; and concluded by Mr. George W. Martin for the Petitioner.

The Tennessee Electric Power Company,
et al.,

Appellants,

27 vs.

Tennessee Valley Authority, et al.

Six hours allowed for oral argument.

Argument commenced by Mr. Raymond T. Jackson for the Appellants and continued by Mr. John C. Meadock for the Appellants; and by Mr. James Lawrence Fly for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert Mellin, It is ordered that Edward J. Bushell, Esquire, of Malden, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James M. Graves, It is ordered that Robert Holland Eckhoff, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Tennessee Electric Power Company, et al.,
Appellants,
27 vs.
Tennessee Valley Authority, et al.

ON CONSIDERATION of the motion and stipulation signed by counsel for all Appellants and the Government to dismiss the Appellant, West Tennessee Power & Light Company, as a party to the appeal in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted; and that the West Tennessee Power & Light Company be, and it is hereby, dismissed as a party to the appeal in this case, as provided

The Tennessee Electric Power Company, et al.,

Appellants,

27 v.

Tennessee Valley Authority, et al.

Argument continued by Mr. James Lawrence Fly and Mr. John Lord O'Brian for the Appellees and concluded by Mr. Raymond T. Jackson for the Appellants.

M. E. Blatt Company,

Petitioner,

98 vs.

The United States.

Argument commenced by Mr. Lawrence Cake for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. James Alexander Bell, It is ordered that Carroll Philip Hickman, Esquire, of Westhaven, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Manuel J. Davis, It is ordered that H. Albert Hyett, Esquire, of Atlantic City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph T. Sherier, It is ordered that Walter H. Murphy, Esquire, of Lynn, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald J. Marran, It is ordered that Stanley E. Beattie, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph F. Gunster, It is ordered that

Matthew D. Mackie, Esquire, of Scranton,
State of Pennsylvania;

John W. Murphy, Esquire, of Scranton,
State of Pennsylvania; and

Raymond T. Law, Esquire, of Scranton,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Gaskins, It is ordered that George T. Barker, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Horace S. Whitman, It is ordered that Henry H. Shepard, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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M. E. Blatt Company,

Petitioner,

98 vs.

The United States.

Argument continued by Mr. Lawrence Cake for the Petitioner and concluded by Mr. J. Louis Monarch for the Respondent.

Munro L. Lyeth,

Petitioner,

48 vs.

James J. Hoey, Collector of Internal Revenue, etc.

Argued by Mr. J. M. Richardson Lyeth for the Petitioner and by Mr. Assistant Attorney General Morris for the Respondent.

Harold T. White, Alexander M. White, Jr., et al.,

Petitioners,

96 vs.

The United States;

and

Harold T. White, Sole Surviving Executor, etc.,

Petitioner,

97 vs.

The United States.

Argument commenced by Mr. John P. Ohl for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that Robert E. L. Cook, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Wilmer, It is ordered that Henry G. Walter, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry R. Gower, It is ordered that W. LeRoy McKinley, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Ash, It is ordered that William J. Sebald, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leon C. Phillips, It is ordered that

William O. Coe, Esquire, of Oklahoma City,
State of Oklahoma;

Murray F. Gibbons, Esquire, of Oklahoma City,
State of Oklahoma;

John E. Falkenberg, Esquire, of Medford,
State of Oklahoma; and

Aubrey M. Kerr, Esquire, of Ada,
State of Oklahoma;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald V. Hunter, It is ordered that Norton L. Goldsmith, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond T. Nagle, It is ordered that Kenneth R. L. Simmons, Esquire, of Billings, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul Segal, It is ordered that Samuel L. Rothbard, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that Ralph H. Swingle, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Rhuel James Dalhover,

Petitioner,

128 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the

Rhuel James Dalhover,

Petitioner,

128 vs.

The United States of America.

A petition for rehearing and petition for stay of execution having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petitions for rehearing and stay be, and the same are hereby, denied.

Per Mr. Chief Justice Hughes.

Rose Bucsi,

Appellant,

120 vs.

Longworth Building & Loan Association and Niagara Building & Loan Association.

Appeal from the Court of Errors and Appeals of the State of New Jersey.

It appearing to the Court that counsel for the Appellant have filed a motion to dismiss the appeal in this case without costs to either party,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the appeal herein be, and the same is hereby, dismissed, without costs to either party.

Per Mr. Chief Justice Hughes.

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Harold T. White, Alexander M. White, Jr., et al.,

Petitioners,

96 vs.

The United States; and

Harold T. White, Sole Surviving Executor, etc.,

Petitioner,

97 vs.

The United States.

Argument continued by Mr. John P. Ohl for the Petitioners; by Mr. Edward J. Ennis for the Respondents; and concluded by Mr. John P. Ohl for the Petitioners.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

304 vs.

Chester N. Weaver Company.

Argued by Mr. Edward J. Ennis for the Petitioner and by Mr. Adolphus E. Graupner for the Respondent.

Princess Lida of Thurn and Taxis, et al.,

Petitioners,

118 vs.

Gerald Purcell Fitzgerald, Individually, etc., et al.

Argument commenced by Mr. Charles H. Tuttle for the Petitioners; and continued by Mr. Dean D. Sturgis for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John W. Price, It is ordered that William M. Sumner, Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther M. Walter, It is ordered that

Helen W. Munsert, of Chicago,
State of Illinois; and
Kenneth W. Munsert, Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that J. Hardy Neel, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. M. Wolford, It is ordered that Miles Spence Bray, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bates Booth, It is ordered that Frederick J. Whelan, Esquire, of Greenwich, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Moultrie Hitt, It is ordered that Clarence M. Ross, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. C. Alvord, It is ordered that A. Z. F. Wood, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Edward Mitchell, It is ordered that Daniel A. Caputi, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Princess Lida of Thurn and Taxis,
et al.,

Petitioners,

118 vs.

Gerald Purcell Fitzgerald, Individually, etc., et al.

Argument continued by Mr. Dean D. Sturgis and by Mr. W. Brown Migbee for the Respondents and concluded by Mr. Charles M. Tuttle for the Petitioners.

Leave granted Petitioners to file an additional brief by Monday next.

Inter-Island Steam Navigation Company,
Limited,

Petitioner,

94 vs.

Territory of Hawaii by Public Utility
Commission of the Territory of Hawaii.

Argued by Mr. J. Garner Anthony for the Petitioner and by Mr. Julius Russell Cades for the Respondent.

The United States of America,

Petitioner,

102 vs.

Thomas R. Powers, et al.

Argued by Mr. Charles W. Leaphart for the Petitioner and by Mr. T. H. Burke for the Respondents.

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Proclamation being made the Court is adjourned until Monday, November 21, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Edward L. Updike, Esquire, of Washington, District of Columbia;

Dorsey Dewey Smith, Esquire, of Albemarle, State of North Carolina;

William Herdman Schwatka, Esquire, of Baltimore, State of Maryland;

Justin J. Doyle, Esquire, of Rochester, State of New York; and

Marguerite Rawalt, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Chas. D. Turner, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry J. Richardson, It is ordered that C. E. Caspari, Jr., Esquire, of Saint Louis, State of Missouri,be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Max Rhoade, It is ordered that Abe Richman, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Eager Collier, It is ordered that Yelverton Cowherd, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that Joseph J. Zeiger, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul J. Culhane, It is ordered that Harold Alden Jewett, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther A. Johnson, It is ordered that C. E. Bryson, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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J. O. Stoll,

Petitioner,

vs.

William Gottlieb.

On writ of certiorari to the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice McReynolds concurs in the result.

Roy G. Harris and Benjamin F. J. Odell,

Petitioners,

53 vs.

Avery Brundage Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

Earle S. Welch,

Appellant,

13 vs.

Robert K. Henry and Solomon Levitan, State Treasurer of the State of Wisconsin.

Appeal from the Supreme Court of the State of Wisconsin.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Wisconsin, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Stone.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds and Mr. Justice Butler join.

General Talking Pictures Corporation, Petitioner, vs. Western Electric Company, Inc., Electrical Research Products, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

1

This Court on May 2, 1938, affirmed the decrees of the said Circuit Court of Appeals (91 F. 2d, 922), which held that Petitioner had infringed certain patents relating to vacuum tube amplifiers.

A petition for rehearing having been granted, the cause came on for further hearing and was argued by counsel upon the following questions which had been presented by the petition for certiorari.

1. Can the owner of a patent, by means thereof, restrict the use made of a device manufactured under the patent, after the device has passed into the hands of a purchaser in the ordinary channels of trade, and full consideration paid therefor?

2. Can a patent owner, merely by a "license notice" attached to a device made under the patent, and sold in the ordinary channels of trade, place an enforceable restriction on the purchaser thereof as to the use to which the purchaser may put the device?

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court as follows:

The Court is of opinion that neither question should be answered.

The Court finds that, while the devices embody the inventions of the patents in suit, they were not manufactured or sold "under the patent(s)" and did not "pass into the hands of a purchaser in the ordinary channels of trade." The restriction in the license in question being legal, the decrees of the said Circuit Court of Appeals are affirmed with costs and the cause is remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Brandeis.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed joins.

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The Chief Justice announced the following order of the Court:

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William J. Mackesy, William B. Mahan and Mary A. Daughney, et al.,

Appellants,

442 vs.

State of Maine.

Appeal from the Superior Court of the State of Maine.

THIS CAUSE came on to be heard on the transcript of the record from the Superior Court of the State of Maine, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte W. A. Denson,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Ex Parte Mike Holchak,

Petitioner.

—, Original.

This case is set for argument on the rule to show cause why leave to file the petition for writ of habeas corpus should not be granted

and the return thereto and assigned for Tuesday, January 3, 1939.

Per Mr. Chief Justice Hughes.

Ex Parte Mike Holchak,

Petitioner.

—, Original.

IT IS ORDERED that Frank J. Wideman, Esquire, of Washington, D. C., a member of the Bar of this Court, be appointed to serve as counsel for the Petitioner in this case.

Per Mr. Chief Justice Hughes.

Caroline C. Spalding,

Petitioner,

387 vs.

The United States of America; and

Silsby M. Spalding,

Petitioner,

388 vs.

The United States of America.

ON CONSIDERATION of the motions to recall the orders denying petitions for writs of certiorari in these cases,

IT IS ORDERED by this Court that the said motionsbe, and the same are hereby, denied.

Per Mr. Chief Justice Hughes.

David T. Wilentz, J. H. Thayer-Martin, et al.,

Appellants,

448 vs.

Sovereign Camp, Woodmen of the World.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Newark Fire Insurance Company,

Appellant,

449 vs.

State Board of Tax Appeals, et al.; and

Universal Insurance Company, et al.,

Appellants,

456 vs.

State Board of Tax Appeals of the State of New Jersey, et al.

The statements of jurisdiction in these cases having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

Per Mr. Chief Justice Hughes.

Milk Control Board of the Commonwealth of Pennsylvania,

Petitioner,

Order allowing certiorari.

426 vs.

Eisenberg Farm Products.

The petition herein for a writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,
Petitioner,
vs.
Bertelsen & Petersen Engineering Company.

Order allowing certiorari.

416

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

National Labor Relations Board,
Petitioner,
vs.
Fansteel Metallurgical Corporation.

Order allowing certiorari.

436

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted, and the case is assigned for argument immediately following No. 274.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

437 vs.

C. T. Jaffray, R. H. M. Robinson and S. M. Archer, as Trustees of the Estate of Minnesota and Ontario Paper Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is assigned for argument immediately following No. 416.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

Samuel Ross Morgan and Monroe B. Morgan,

Petitioners,

407 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The National Builders Bank of Chicago,

Petitioner,

421 vs.

Samuel T. Brown, William V. Speg and Alfred Unverricht, Petitioning Creditors, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Salvadore Guarneri,
Petitioner,
425 vs.
Eugene Kessler, District Director of Immigration, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Julius Kayser & Company and Textile Patents Corporation,
Petitioners,
434 vs.
Rosedale Knitting Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Toledo Pressed Steel Company,
Petitioner,
166 vs.
Standard Parts, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Toledo Pressed Steel Company,
Petitioner,
167 vs.
Huebner Supply Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

A petition for rehearing having been filed in this case upon the denial of a petition for writ of certiorari;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

E. I. DuPont de Nemours & Company, Incorporated,
Petitioner,
990 O.T. 1937 vs.
Waxed Products Co., Inc.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. A. Denson,

Petitioner,

129 vs.

Board of Commissioners of the State Bar of Alabama.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mary J. Hellmuth,

Petitioner,

281 vs.

Frank Hellmuth.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Annette Strauss, as Special Administratrix, etc.,

Petitioner,

358 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Staley Elevator Co., Inc., et al.,

Petitioners,

372 vs.

Otis Elevator Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry J. Tompkins,

Petitioner,

402 vs.

Erie Railroad Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milton Prebyl,

Petitioner,

429 vs.

Prudential Insurance Company of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The State of Montana on the relation of the Board of County Commissioners of Valley County, Montana,

Petitioner,

104 vs.

Archie G. Bruce, County Assessor of Valley County, Montana, et al.

Motion that leave be granted the United States to appear and present oral argument as amicus curiae submitted by Mr. Solicitor General Jackson.

The State of Montana on the Relation of the Board of County Commissioners of Valley County, Montana,

Petitioner,

104 vs.

Archie G. Bruce, County Assessor of Valley County, Montana, et al.

ON CONSIDERATION of the motion of Mr. Solicitor General Jackson for leave to appear and present oral argument as amicus curiae in this case in behalf of the United States,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

In the Matter of the Petition of Committee for Industrial Organization, American Civil Liberties Union, et al., for a Writ of Mandamus and/or Prohibition,

—, Original vs.

Hon. J. Warren Davis, Hon. Joseph Buffington, Hon. J. Whitaker Thompson, Hon. Albert Branson Maris and Hon. John Biggs, Jr., United States Circuit Judges of the Third Judicial Circuit;

and

Committee for Industrial Organization,
American Civil Liberties Union, et al.,

Petitioners,

—— vs.

Frank Hague, Individually and as Mayor of Jersey City, Daniel J. Casey, Individually and as Director of Public Safety of Jersey City, et al.

Motion for leave to file petition for a writ of mandamus and/or prohibition, for a rule to show cause why a writ of certiorari should not issue, and for interim stay submitted by Mr. Morris L. Ernst for the Petitioners.

Ex Parte Century Indemnity Company,

Petitioner.

—, Original.

Returns of Honorable Curtis D. Wilbur and Honorable William Denman to the rule to show cause presented.

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In the Matter of the Petition of Committee for Industrial Organization, American Civil Liberties Union, et al., for a Writ of Mandamus and/or Prohibition,

—, Original vs.

Hon. J. Warren Davis, Hon, Joseph Buffington, Hon. J. Whitaker Thompson, Hon. Albert Branson Maris, and Hon. John Biggs, Jr., United States Circuit Judges of the Third Judicial Circuit;

- and -

Committee for Industrial Organization,
American Civil Liberties Union, et al.,

Petitioners,

—— vs.

Frank Hague, Individually and as Mayor of Jersey City, Daniel J. Casey, Individually and as Director of Public Safety of Jersey City, et al.

Respondents.

Motion for leave to file petition for a writ of mandamus and/or prohibition, for a rule to show cause why a writ of certiorari should not issue, and for interim stay.

The motion is denied without prejudice to a petition for writ

of certiorari in accordance with the Rules of this Court.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, December 5, next, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Charles G. Jaquette, Esquire, of Washington, District of Columbia; and

John Alden Gage, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard J. Roberts, It is ordered that A. S. Norvell, Esquire, of Wewoka, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis R. Kirkham, It is ordered that Francis N. Marshall, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. K. Hopkins, It is ordered that Robert James Clendenin, Esquire, of Monmouth, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin S. Booth, It is ordered that Edwin S. Booth, Jr., Esquire, of Glasgow, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Timothy J. Butler, It is ordered that Frank J. Creede, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles L. McNary, It is ordered that

Kern Crandall, Esquire, of Portland,
State of Oregon;

Alexander G. Brown, Esquire, of Portland,
State of Oregon; and

Mortimer R. Irion, Esquire, of Dallas,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Pickens Neagle, It is ordered that Peggy Halloran, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Veasey, It is ordered that Cecil Morgan, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles V. Imlay, It is ordered that John M. Kline, Esquire, of Glasgow, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Walton Badgley, It is ordered that Charles Chester Guy, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Louis Monarch, It is ordered that George H. Heideman, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick A. Ballard, It is ordered that Edward H. Miller, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick J. Lind, It is ordered that Thomas Kiernan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. Donald Kistler, It is ordered that Allen V. Judkin, Esquire, of Saint Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Armstrong Paint and Varnish Works,
Petitioner,

51 vs.

Nu-Enamel Corporation, an Illinois Corporation, and Nu-Enamel Corporation, a Delaware Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois with directions to proceed in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Inter-Island Steam Navigation Company, Limited,

Petitioner,

94 vs.

Territory of Hawaii by Public Utility Commission of the Territory of Hawaii.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the Supreme Court of the Territory of Hawaii.

Per Mr. Justice Black.

Wm. M. Neblett, Vernon Bettin, William George Dickinson and Alfred E. McDonald,

Petitioners,

21 vs.

Samuel L. Carpenter, Jr., Insurance Commissioner of the State of California, et al.

On writ of certiorari to the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Roberts.

Mr. Justice Reed took no part in the consideration or decision of this case.

Harold T. White, Alexander M. White, Jr., and William I. Prothingham, as Executors of the Estate of Alexander M. White,

Petitioners,

96 vs.

The United States.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Stone.

Dissenting: Mr. Justice McReynolds, Mr. Justice Butler and Mr. Justice Roberts.

Harold T. White, Sole Surviving Executor of the Estate of William A. White,

Petitioner,

97 vs.

The United States.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Stone.

Dissenting: Mr. Justice McReynolds, Mr. Justice Butler, and Mr. Justice Roberts.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

304 vs.

Chester N. Weaver Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Dissenting: Mr. Justice McReynolds, Mr. Justice Butler, and Mr. Justice Roberts.

A. E. McDonald,

Petitioner,

55 vs.

Ernest O. Thompson, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Texas.

Per Mr. Justice Butler.

M. E. Blatt Company, Petitioner, vs. The United States. — On writ of certiorari to the Court of Claims.

98

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Butler.

Separate opinion by Mr. Justice Stone.

State of California, Complainant, vs. Murray W. Latimer, et al. — 13, Original.

THIS CAUSE came on to be heard on the bill of compliant, answer, and motion to dismiss, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the bill of complaint in this cause be, and the same is hereby, dismissed.

Per Mr. Justice Brandeis.

Hyman Scher, Alias William Scher, Petitioner, vs. The United States. — On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

49

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Ohio.

Per Mr. Justice McReynolds.

Dan B. Shields, Individually and as United States Attorney for the District of Utah, and Interstate Commerce Commission,

Petitioners,

28 vs.

The Utah Idaho Central Railroad Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Utah with direction to dismiss the bill of complaint.

Per Mr. Chief Justice Hughes.

Mr. Justice Black concurs in the result.

Munro L. Lyeth,

Petitioner,

48 vs.

James J. Hoey, Collector of Internal Revenue for the United States for the Second District of the State of New York.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and that the judgment of the District Court of the United States for the Southern District of New York be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Consolidated Edison Company of New York, Inc., and Its Affiliated Companies, et al.,

Petitioners,

19 vs.

National Labor Relations Board, et al; and

International Brotherhood of Electrical Workers, International Brotherhood of Electrical Workers, Local Union No. B-825, et al.,

Petitioners,

25 vs.

National Labor Relations Board, et al.

On writs of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court, and, as so modified, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Separate opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

Opinion by Mr. Justice Reed concurring in part and dissenting in part in which Mr. Justice Black concurs.

The Chief Justice announced the following orders of the Court:

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Sam Berkowitz,

Appellant,

463 vs.

People of the State of Illinois.

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented federal question.

Per Mr. Chief Justice Hughes.

Watch Tower Bible and Tract Society, et al.,

Appellants,

475 vs.

City of Bristol, Joseph W. Harding, Mayor of the City of Bristol, et al.

Appeal from the District Court of the United States for the District of Connecticut.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Connecticut, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

Ex Parte Taylor Seals,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte T. J. Audette,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte John Konik,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Jules A. Newman,

Petitioner,

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Thomas J. Mooney,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Wm. P. Deppe,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert B. Honeyman,

Appellant,

465 vs.

David B. Jacobs and Mary V. Jacobs.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Powers Higginbotham,

Appellant,

462 vs.

City of Baton Rouge, Louisiana.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

Per Mr. Chief Justice Hughes.

Frances Perkins, Secretary of Labor and Edward J. Shaughnessy, Acting Commissioner of Immigration and Naturalization,

Order allowing certiorari.

Petitioners,

454 vs.

Marie Elizabeth Elg.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Marie Elizabeth Elg,

Petitioner,

455 vs.

Frances Perkins, Secretary of Labor and Edward J. Shaughnessy, Acting Commissioner of Immigration and Naturalization.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Electric Storage Battery Co.,

Petitioner,

441 vs.

Genzo Shimadzu, and Northeastern Engineering Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

United States Trust Company of New York, as Executor U/W of George H. Bunker, Deceased,

Petitioner,

453 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guillermo A. Cu Unjieng, and
Mariano Cu Unjieng,

Petitioners,

320 vs.

The National City Bank of New
York, et al.

ON CONSIDERATION of the motion to consider the application for writ of certiorari in this case on an abbreviated record,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Guillermo A. Cu Unjieng, and
Mariano Cu Unjieng,

Petitioners,

320 vs.

The National City Bank of New York,
The Malabon Sugar Company and Smith,
Bell & Co., Ltd.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of the Philippines.

ON CONSIDERATION of the petition for a writ of certiorari to the Supreme Court of the Commonwealth of the Philippines, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George K. Garrett Company, Inc.,

Petitioner,

427 vs.

The National Lock Washer Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arkansas Natural Gas Corporation,
Petitioner,
428 vs.
James M. Sartor, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, on the Relation of Aristides Garos,
Petitioner,
431 vs.
Rudolph Reimer, Commissioner of Immigration.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Andre J. Tobani, Johanna Tobani and Frieda Anderson, et al.,
Petitioners,
435 vs.
Carl Fischer, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Phoenix Finance Corporation,
Petitioner,
438 vs.
Iowa-Wisconsin Bridge Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edgar Stanton and Joseph C. Belden, Executors of the Estate of George Campbell Rew, Deceased,
Petitioners,
439 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Cannon, Junior,
Petitioner,
440 vs.
George H. Tinkham.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Homer Jones, Doing Business Under the Assumed Name of Farmers & Merchants Warehouse Company,

Petitioner,

450 vs.

St. Paul Fire & Marine Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sarah Anne Newcomb,

Petitioner,

433 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Maryland Casualty Company,

Petitioner,

443 vs.

The United States of America, for the Use and Benefit of Earl L. Harrington, as Administrator, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paul J. Simmons, Trading as Paris Import Company, Bell Import Company and Sel-More Company,

Petitioners,

444 vs.

James A. Farley, Postmaster General of the United States.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George O. Castell, Ancillary Executor of the Estate of Beta Isenberg, Deceased,

Petitioner,

445 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry W. Dubiske,

Petitioner,

451 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Ohio Casualty Insurance Company,
Petitioner,
452 vs.
Anna M. Marr, Shelby W. Marr and William H. Gaffney, Administrator of the Estate of William Orville Gaffney, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Eric H. Marks,
Petitioner,
457 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anchor Stove & Range Company,
Petitioner,
464 vs.
S. B. Rymer, C. D. Rymer, G. C. Brown and Dixie Foundry Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Waialua Agricultural Company, Limited,

Petitioner,

15 vs.

Eliza R. P. Christian, et al.; and

Eliza R. P. Christian, an Incompetent Person, etc.,

Petitioner,

17 vs.

Waialua Agricultural Company, Limited.

A petition for rehearing having been filed in these cases;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Sovereign Camp of the Woodmen of the World,

Petitioner,

31 vs.

William F. Bolin, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arthur C. Harvey Company,

Petitioner,

303 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wade H. Cooper,

Petitioner,

376 vs.

J. F. T. O'Connor, et al.; and

Wade H. Cooper,

Petitioner,

377 vs.

J. F. T. O'Connor, et al.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Chicago Pneumatic Tool Company,

Petitioner,

382 vs.

Hughes Tool Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Caroline C. Spalding,

Petitioner,

387 vs.

The United States of America; and

Silsby M. Spalding,

Petitioner,

388 vs.

The United States of America.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Millie Belle Brown, Executrix,

Petitioner,

389 vs.

Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Diamond Tank Transport, Inc., et al.,

Appellants,

410 vs.

The United States of America, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Ex Parte Thomas J. Mooney,

Petitioner.

—, Original.

Motion for award of writ of habeas corpus submitted by Mr. John F. Finerty for the Petitioner.

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The United States of America,

Petitioner,

22 vs.

Continental National Bank and Trust Company, Trustee, etc., et al.

Argued by Mr. J. Louis Monarch for the Petitioner and by Mr. Herbert Pope for the Respondents.

The United States,

Petitioner,

169 vs.

Frederick Pleasants.

Argued by Mr. Paul A. Freund for the Petitioner and by Mr. Frederick Schwertner for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. D. J. Driscoll, It is ordered that

Herbert B. Cohen, Esquire, of York,
State of Pennsylvania;

Samuel Graff Miller, Esquire, of Harrisburg,
State of Pennsylvania;

Benjamin R. Coppolo, Esquire, of Saint Marys,
State of Pennsylvania; and

Edward Knuff, Esquire, of Johnstown,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. Kratz, It is ordered that

Joseph H. Batt, Esquire, of Washington,
District of Columbia; and

John W. Wood, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lee B. Kemon, It is ordered that Donald E. Lane, of Washington, District of Columbia,

be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Randolph C. Shaw, It is ordered that A. Harry Weissman, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Reidy, It is ordered that Leonard Way, Esquire, of Boise, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Preston Shealey, It is ordered that Francis G. Boswell, Esquire, of Alexandria, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis H. Weinstein, It is ordered that Henry E. Foley, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Freer, It is ordered that Joe Landon Evins, Esquire, of Smithville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert J. Patrick, It is ordered that John D. Shea, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Washingtonian Publishing Company, Inc.,

Petitioner,

222 vs.

Drew Pearson, Robert S. Allen, et al.

Argued by Mr. Horace S. Whitman for the Petitioner and by Mr. Eliot C. Lovett for the Respondents.

The State of Montana on the relation of the Board of County Commissioners of Valley County, Montana,

Petitioner,

104 vs.

Archie G. Bruce, County Assessor of Valley County, Montana, et al.

Argument commenced by Mr. Edwin S. Booth, Jr., for the Petitioner; continued by Mr. John M. Kline and Mr. Enor M. Matson for the Respondents; by Mr. Warner W. Gardner for the United States as amicus curiae, by special leave of Court; and by Mr. Edwin S. Booth, Sr., for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Ernest Lundeen, It is ordered that Dezara E. LaBelle, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond M. Hudson, It is ordered that Geoffrey Creyke, Jr., Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas P. Healy, It is ordered that Carleton W. Meyer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis H. Weinstein, It is ordered that Henry Parkman, Jr., Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The State of Montana on the relation
of the Board of County Commissioners
of Valley County, Montana,

Petitioner,

104 vs.

Archie G. Bruce, County Assessor of
Valley County, Montana, et al.

Argument concluded by Mr. Edwin S. Booth, Sr., for the Petitioner.

Russell B. Patterson,

Appellant,

113 vs.

Stanolind Oil and Gas Company, et al.

Argument commenced by Mr. R. J. Roberts for the Appellant. The Court declined to hear further argument.

Indianapolis Brewing Company, Inc.,

Appellant,

130 vs.

The Liquor Control Commission of the
State of Michigan, et al.

Argument commenced by Mr. Thomas F. O'Mara for the Appellant; continued by Mr. Raymond W. Starr for the Appellees; and concluded by Mr. Herbert J. Patrick for the Appellant.

Leave granted Appellees to file a supplemental brief within five days.

Joseph S. Finch & Company, et al.,

Appellants,

252 vs.

Roy McKittrick, Attorney General of
the State of Missouri, et al.;

Ben Burk, Inc.,

Appellant,

253 vs.

Roy McKittrick, Attorney General
of the State of Missouri, et al.;

Joseph E. Seagram & Sons, Incorporated,
et al.,

Appellants,

254 vs.

Roy McKittrick, Attorney General of
the State of Missouri, et al.;

Hinrichs Distilled Products,

Appellant,

255 vs.

Roy McKittrick, Attorney General
of the State of Missouri, et al.; and

Arrow Distilleries, Inc.,

Appellant,

256 vs.

Roy McKittrick, Attorney General
of the State of Missouri, et al.

Argued by Mr. Thomas Kiernan for the Appellants and by Mr. Edward H. Miller for the Appellees.

The Baltimore and Ohio Railroad
Company, et al.,

Appellants,

133 vs.

The United States of America, et al.

Three hours allowed for oral argument. Argument commenced by Mr. Edwin H. Burgess for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that Lee D. Seelig, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert C. Ayers, It is ordered that Louis Shneider, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hoss H. Snyder, It is ordered that William N. Mullen, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James H. Moyle, It is ordered that Thomas Quentin Cannon, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold H. Neff, It is ordered that William Roberts, Esquire, of New York, State of New

York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Baltimore and Ohio Railroad Company, et al.,

Appellants,

133 vs.

The United States of America, Interstate Commerce Commission, et al.

Argument continued by Mr. Edwin H. Burgess for the Appellants; by Mr. J. Stanley Payne for the Appellees, The United States and Interstate Commerce Commission; by Mr. John J. Hickey for the Appellee, The Warehousemen's Protective Committee; by Mr. A. Lane Cricher for the Appellee, American Warehousemen's Association, Merchandise Division; by Mr. Henry E. Foley for the Appellee, Boston Port Authority; and concluded by Mr. Edwin H. Burgess for the Appellants.

The United States of America,

Petitioner,

154 vs.

Kathleen McClure, as Administratrix, etc.

Argued by Mr. Julius C. Martin for the Petitioner and by Mr. Graham K. Betts for the Respondent.

Ernest K. James, individually and in his official capacity as Acting Tax Commissioner for the State of West Virginia,

Appellant,

161 vs.

United Artists Corporation.

Motion to substitute party appellant submitted by Mr. Clarence W. Meadows, counsel for appellant, in that behalf.

Ernest K. James, Individually and in His Official Capacity as Acting Tax Commissioner for the State of West Virginia,

Appellant,

161 vs.

United Artists Corporation.

ON CONSIDERATION of the motion to substitute Ernest K. James, individually and in his official capacity as Tax Commissioner for the State of West Virginia, in the place and stead of Ernest K. James, individually and in his official capacity as Acting Tax Commissioner for the State of West Virginia,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Ernest K. James, Individually and in His Official Capacity as Tax Commissioner for the State of West Virginia,

Appellant,

161 vs.

United Artists Corporation.

Argument commenced by Mr. Clarence W. Meadows for the Appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, DECEMBER 9, 1938.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Owen J. Roberts,
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Robert Brennan, It is ordered that Louis H. Phillips, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip F. Biggins, It is ordered that

Juan R. Quijano, Esquire, of Washington, District of Columbia; and

Eugenio M. Fonbuena, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Randolph C. Shaw, It is ordered that Frank Reiss, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irving Geiger, It is ordered that Charles W. Proctor, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ernest K. James, Individually and in his official capacity as Tax Commissioner for the State of West Virginia,

Appellant,

161 vs.

United Artists Corporation.

Argument continued by Mr. Clarence W. Meadows for the Appellant, by Mr. Robert G. Kelly for the Appellee, and concluded by Mr. Clarence W. Meadows for the Appellant.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

180 vs.

Donald H. Owens, et al.; and

Amedeo Obici, et al.,

Petitioners,

318 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

Argued by Mr. Norman D. Keller for Helvering, Commissioner of Internal Revenue, and by Mr. Ewing Everett for the Respondents in No. 180 and the Petitioners in No. 318.

Chippewa Indians of Minnesota,

Appellant,

244 vs.

The United States.

Argument commenced by Mr. Webster Ballinger for the Appellant and continued by Mr. Raymond T. Nagle for the Appellee.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John W. Nance, It is ordered that

Travis Williams, Esquire, of Russellville,
State of Alabama; and
Thos. B. Pryor, Jr., Esquire, of Fort Smith,
State of Arkansas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Orland S. Loomis, Esquire, of Madison,
State of Wisconsin;
Thomas F. Callahan, Esquire, of Washington,
District of Columbia; and
Charles P. Reilly, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that Estes Kefauver, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Brennan, It is ordered that Mark Webster Reed, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Burnham Yung-Kwai, It is ordered that Robert G. Harris, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank J. Wideman, It is ordered that John H. Wahl, Esquire, of Orlando, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh C. Smith, It is ordered that Allen M. Burdett, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry F. Butler, It is ordered that John A. Dundas, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert C. Ayers, It is ordered that James R. McDougall, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence M. Dinkins, It is ordered that Bolling R. Powell, Jr., Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard Cecil Kilpatrick, It is ordered that Francis H. Hare, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond A. Walsh, It is ordered that

William J. MacInnis, Esquire, of Gloucester,
State of Massachusetts; and

Jack H. Linscott, Esquire, of Washington,
District of Columbia;

be admitted to practice as an Attorney and Counsellor of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert Holmes Baldridge, It is ordered that Robert E. Stromberg, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hartwell H. Linney, It is ordered that James J. Arditto, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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State of Missouri, at the Relation of Lloyd Gaines,

Petitioner,

vs.

S. W. Canada, Registrar of the University of Missouri and the Curators of the University of Missouri.

On writ of certiorari to the Supreme Court of the State of Missouri.

57

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Separate opinion by Mr. Justice McReynolds in which Mr. Justice Butler concurs.

Ex Parte Century Indemnity Company,
Petitioner.
—, Original.

On motion for leave to file petition for writ of mandamus and rule to show cause thereupon issued.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus and of the returns to the rule to show cause herein,

IT IS ORDERED by this Court that the rule to show cause herein be, and the same is hereby, discharged; and that the motion for leave to file a petition for writ of mandamus herein be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Thomas J. Mooney,
Petitioner.
—, Original.

ON CONSIDERATION of the motion for award of writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Schriber-Schroth Company,
Petitioner,
3 vs.
The Cleveland Trust Company,
Chrysler Corporation;

The Aberdeen Motor Supply Company,

Petitioner,

4 vs.

The Cleveland Trust Company, Chrysler Corporation; and

The F. E. Rowe Sales Company,

Petitioner,

5 vs.

The Cleveland Trust Company, Chrysler Corporation.

ORDERED that in each of these cases the following direction be added to the decree:

"On the remand the Court of Appeals will be free to consider whether the amendments to the Gulick application rendered void the patent issued upon it, and to consider all questions affecting the validity and infringement of the claims in suit of the Gulick and Maynard patents, but without including web flexibility or laterally flexible webs as an element in the combinations patented by them."

ORDERED that the second sentence on page 1 of the opinion of this Court in these cases be amended to read:

"Respondent, the Cleveland Trust Company, is the assignee in trust of some eighty patents relating to pistons of the type employed in internal combustion engines for automobiles, under a pooling agreement to which an automobile manufacturer and a number of manufacturers of pistons are parties."

And that the last sentence in the first full paragraph of page 4 of the opinion be amended to read:

"Reference to a combination including, with other elements, web connections 'whereby said piston skirt is rendered yieldable during operation in response to cylinder wall pressure,' appears in Claim 18."

IT IS FURTHER ORDERED that Respondents' motion to modify the decrees and the opinion be in all other respects denied, and that the petition for rehearing be denied.

Per Mr. Chief Justice Hughes.

The decrees in these cases, dated November 7, 1938, as amended, to read as follows:

The Schriber-Schroth Company,	On writ of certiorari to the
Petitioner,	United States Circuit Court of
3 vs.	Appeals for the Sixth Circuit.
The Cleveland Trust Company, Chrysler Corporation.	

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

On the remand the Court of Appeals will be free to consider whether the amendments to the Gulick application rendered void the patent issued upon it, and to consider all questions affecting the validity and infringement of the claims in suit of the Gulick and Maynard patents, but without including web flexibility or laterally flexible webs as an element in the combinations patented by them.

Per Mr. Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

The Aberdeen Motor Supply Company,

Petitioner,

4 vs.

The Cleveland Trust Company, Chrysler Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

On the remand the Court of Appeals will be free to consider whether the amendments to the Gulick application rendered void the patent issued upon it, and to consider all questions affecting the validity and infringement of the claims in suit of the Gulick and Maynard patents, but without including web flexibility or laterally flexible webs as an element in the combinations patented by them.

Per Mr. Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

The F. E. Rowe Sales Company,

Petitioner,

5 vs.

The Cleveland Trust Company, Chrysler Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

On the remand the Court of Appeals will be free to consider whether the amendments to the Gulick application rendered void the patent issued upon it, and to consider all questions affecting the validity and infringement of the claims in suit of the Gulick and Maynard patents, but without including web flexibility or laterally flexible webs as an element in the combinations patented by them.

Per Mr. Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

I. W. Lane,

Petitioner,

460 vs.

Jess Wilson, John Moss and Marion Parks.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Martin E. Geibel and Charles R. Morfoot,

Petitioners,

430 vs.

State Bar of California.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of Counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner,

446 vs.

Peninsular & Occidental Steamship Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Theodore Krumm,

Petitioner,

458 vs.

Oscar Birkhofer, Laura Birkhofer and Leland S. Murphy.

On petition for writ of certiorari to the District Court of Appeal, 4th Appellate District, State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal, 4th Appellate District, State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry E. Gumbel,

Petitioner,

459 vs.

New Orleans Terminal Company.

On petition for writ of certiorari to the Supreme Court of the State of Louisiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Louisiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Chemical Foundation, Incorporated,

Petitioner,

461 vs.

General Aniline Works, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elmer E. Siegel,

Petitioner,

468 vs.

Missouri-Kansas-Texas Railroad Company.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Kellogg Company,

Petitioner,

2 vs.

National Biscuit Company; and

Kellogg Company,

Petitioner,

56 vs.

National Biscuit Company.

A petition for rehearing having been filed in these cases,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Roy G. Harris and Benjamin F. J. Odell,

Petitioners,

53 vs.

Avery Brundage Company, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George W. Helme Company,

Petitioner,

371 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Laura Miller Boyer, Administratrix, etc.,

Petitioner,

390 vs.

Standish Backus, Henry E. Chandler, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel Ross Morgan and Monroe B. Morgan,

Petitioners,

407 vs.

The United States of America.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John M. Harvey and Lena P. Harvey,

Petitioners,

408 vs.

The Federal Land Bank of Springfield, Massachusetts, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

The Court will take a recess from Monday, December 19th, until Tuesday, January 3rd, 1939.

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State of New Jersey,

Complainant,

11, Original vs.
O. T. 1934

State of Delaware.

Motion for leave to file a second petition for rehearing submitted by Mr. Duane E. Minard for the Complainant.

In the matter of the Disbarment
of W. A. Denson.

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Return to rule to show cause presented.

Miram Steelman, Trustee in Bankruptcy of William Fox, Bankrupt,

Petitioner,

23 vs.

All Continent Corporation and Eva Fox.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

IT APPEARING to the Court that counsel for the Petitioner has filed a motion to dismiss the writ of certiorari in this cause;

THEREFORE, in pursuance of said motion, IT IS ORDERED by this Court that the writ of certiorari in this cause be, and the same is hereby, dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

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Mrs. Zillah Lyon,

Petitioner,

189 vs.

Mutual Benefit Health and Accident Association.

Submitted by Mr. John W. Nance for the Petitioner and by Mr. Thomas B. Pryor and Mr. Thomas B. Pryor, Jr., for the Respondent.

Chippewa Indians of Minnesota,

Appellant,

244 vs.

The United States.

Argument concluded by Mr. Raymond T. Nagle for the Appellee.

Pacific Employers Insurance Company,

Petitioner,

158 vs.

Industrial Accident Commission of the State of California, et al.

Argued by Mr. W. N. Mullen for the Petitioner; by Mr. F. J. Creede for the Respondent, Kenneth Tator, and by Mr. Everett A. Corten for the Respondent, Industrial Accident Commission of the State of California.

Southern Pacific Company,

Appellant,

212 vs.

John C. Corbett, et al., as Members of the State Board of Equalization of the State of California, et al.

Motion for leave to substitute a party appellee submitted by Mr. Harry H. McElroy in that behalf.

Southern Pacific Company,

Appellant,

212 vs.

John C. Corbett, et al., as Members of the State Board of Equalization of the State of California, et al.

ON CONSIDERATION of the motion to substitute Andrew J. Gallagher, a member of the State Board of Equalization of the State of California, as a party appellee in the place and stead of John C. Corbett, deceased,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Southern Pacific Company,

Appellant,

212 vs.

Andrew J. Gallagher, et al., as Members of the State Board of Equalization of the State of California, et al.

Argued by Mr. Harry H. McElroy for the Appellant and by Mr. H. H. Linney for the Appellees.

The Pacific Telephone and Telegraph Company,

Appellant,

213 vs.

John C. Corbett, et al., as Members of the State Board of Equalization of the State of California.

Motion for leave to substitute a party appellee submitted by Mr. Francis N. Marshall in that behalf.

The Pacific Telephone and Telegraph Company,

Appellant,

213 vs.

John C. Corbett, et al., as Members of the State Board of Equalization of the State of California, et al.

ON CONSIDERATION of the motion to substitute Andrew J. Gallagher, a member of the State Board of Equalization of the State of California, as a party appellee in the place and stead of John C. Corbett, deceased,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

The Pacific Telephone and Telegraph Company,

Appellant,

213 vs.

Andrew J. Gallagher, et al., as Members of the State Board of Equalization of the State of California.

Argument commenced by Mr. Francis N. Marshall for the Appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Orland S. Loomis, It is ordered that Leonard C. Fons, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis R. Kirkham, It is ordered that Marshall P. Madison, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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General Talking Pictures Corporation,

Petitioner,

1 vs.

Western Electric Company, Inc., et al.

Motion for extension of time to file petition for rehearing and for stay of mandate submitted by Mr. Samuel E. Darby, Jr., for the Petitioner.

General Talking Pictures Corporation,

Petitioner,

1 vs.

Western Electric Company, Inc., Electrical Research Products, Inc., et al.

ON CONSIDERATION of the motion by counsel for the petitioner to extend the time within which to file a petition for rehearing and for stay of the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted; and that the time within which to file a petition for rehearing be, and the same is hereby, extended to Friday, December 30, 1938.

AND IT IS FURTHER ORDERED that the mandate in this case be, and the same is hereby, stayed, pending the filing and determination of the petition for rehearing.

Per Mr. Chief Justice Hughes.

The Pacific Telephone and Telegraph Company,

Appellant,

213 vs.

Andrew J. Gallagher, et al., as Members of the State Board of Equalization of the State of California.

Argument continued by Mr. Francis N. Marshall for the Appellant and concluded by Mr. H. H. Linney for the Appellees.

Felt and Tarrant Manufacturing Co.,

Appellant,

302 vs.

John C. Corbett, Fred E. Stewart, et al., etc.

Motion for leave to substitute a party appellee submitted by Mr. A. Calder Mackay in that behalf.

Felt and Tarrant Manufacturing Co.,

Appellant,

302 vs.

John C. Corbett, et al., as Members of the State Board of Equalization of the State of California, et al.

ON CONSIDERATION of the motion to substitute Andrew J. Gallagher, a member of the State Board of Equalization of the State of California, as a party appellee in the place and stead of John C. Corbett, deceased,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Felt and Tarrant Manufacturing Co.,

Appellant,

302 vs.

Andrew J. Gallagher, Fred E. Stewart, et al., etc.

Argued by Mr. A. Calder Mackay for the Appellant and by Mr. James J. Arditto for the Appellees.

The Pullman Company, H. J. Hatch, et al.,

Petitioners,

210 vs.

Mrs. Garnett V. Jenkins, et al.

Argument commenced by Mr. Robert Brennan for the Petitioners; continued by Mr. M. W. Reed for the Petitioners; and by Mr. L. H. Phillips for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, DECEMBER 14, 1938.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jo. Baily Brown, It is ordered that

Phil L. Rodier, Esquire, of New York, State of New York;

Harry G. Grover, Esquire, of New York, State of New York;

Angelo Joseph Zerbarini, Esquire, of New York, State of New York; and

Joseph E. Dickinson, Esquire, of Pittsburgh, State of Pennsylvania;

be admitted to practice as an Attorney and Counsellor of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Emery J. Woodall, It is ordered that Frank J. Stich, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul Atlee Walker, It is ordered that Edward Perris McKay, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. Winn, It is ordered that Robert G. Reed, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis Mead Treadwell, It is ordered that Joseph M. Nugent, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raphael Tourover, It is ordered that Carl Marx, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George L. Quinn, Jr., It is ordered that Edward J. Michel, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Llewellyn A. Luce, It is ordered that Homer D. Dines, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Pullman Company, H. J. Hatch, et al.,

Petitioners,

210 vs.

Mrs. Garnett V. Jenkins, et al.

Argument concluded by Mr. L. H. Phillips for the Respondents.

Ford Motor Company,

Petitioner,

182 vs.

National Labor Relations Board; and

Ford Motor Company,

Petitioner,

183 vs.

National Labor Relations Board.

Argued by Mr. Alfred McCormack for the Petitioner and by Mr. Charles Fahy for the Respondent.

Mackay Radio and Telegraph Company, Inc.,

Petitioner,

127 vs.

Radio Corporation of America.

Argument commenced by Mr. Samuel E. Darby, Jr., for the Petitioner and continued by Mr. Jo. Baily Brown for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hugh H. Obear, It is ordered that

Guy B. Hazelgrove, Esquire, of Richmond, State of Virginia; and
Ralph T. Catterall, Esquire, of Richmond, State of Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William P. Smith, It is ordered that Frank T. Powers, Esquire, of Lewiston, State of Maine, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Laura Maria Perrien, It is ordered that Edwina V. A. Avery, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde S. Bailey, It is ordered that Ira Howell Ellis, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. Granville Curry, It is ordered that Milo R. Kniffen, Esquire, of Cobleskill, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry R. Booth, It is ordered that Herbert E. Rosenberg, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William.S. Bennet, It is ordered that Sidney Wm. Wattenberg, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David R. Shelton, It is ordered that Pedro M. Porrata, Esquire, of Ponce, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Murphy, It is ordered that Irwin E. Friedman, Esquire, of Bridgeport, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Septimus B. Sightler, Jr., It is ordered that W. Frank Gladney, Esquire, of Baton Rouge, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Mackay Radio and Telegraph Company, Inc.,

Petitioner,

127 vs.

Radio Corporation of America.

Argument continued by Mr. Jo. Baily Brown for the Respondent and concluded by Mr. Samuel E. Darby, Jr., for the Petitioner.

Socony-Vacuum Oil Company, Inc.,

Petitioner,

195 vs.

Herbert A. Smith, Jr.

Argued by Mr. Louis Mead Treadwell for the Petitioner and by Mr. George J. Engelman for the Respondent.

Leave granted to Petitioner to file additional brief by Tuesday next and to Respondent to reply thereto within two days thereafter.

J. Bacon & Sons,

Appellant,

203 vs.

James W. Martin, Individually, etc.

Argument commenced by Mr. Charles I. Dawson for the Appellant. The Court declined to hear further argument.

The Alton Railroad Company,

Appellant,

231 vs.

Illinois Commerce Commission, et al.

Argument commenced by Mr. Frank H. Towner for the Appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, DECEMBER 16, 1938.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone, Associate Justices.
Hugo L. Black,
Stanley Reed.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles L. McNary, It is ordered that Walter Burrell Gleason, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. H. Dukes, It is ordered that

T. Grady Head, Esquire, of Atlanta,
State of Georgia; and

Broadus Brown Zellars, Esquire, of Hartwell,
State of Georgia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence M. Fisher, It is ordered that Willis M. Taylor, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Walsh Glenn, It is ordered that Noble Edward Bowlby, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William E. Carey, Jr., It is ordered that William Poole, Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Mildred E. Reeves, It is ordered that Lelia Boyce, of Allegan, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Craig L. Reddish, It is ordered that John F. Maney, Esquire, of Alexandria, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David Wiener, It is ordered that Joseph A. F. Freda, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence M. Fisher, It is ordered that

Samuel B. Smith, Esquire, of White Plains,
State of New York; and

Frank S. Misterly, Esquire, of Darien,
State of Connecticut;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Austin F. Canfield, It is ordered that Edward M. Flaherty, Esquire, of New Castle, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Alton Railroad Company,

Appellant,

231 vs.

Illinois Commerce Commission, et al.

Argument continued by Mr. Frank H. Towner for the Appellant and concluded by Mr. Harry R. Booth for the Appellees.

The United States,

Petitioner,

245 vs.

The Algoma Lumber Company;

The United States,

Petitioner,

246 vs.

Forest Lumber Company; and

The United States,

Petitioner,

247 vs.

Lamm Lumber Company.

Argument commenced by Mr. Paul A. Sweeney for the Petitioner; continued by Mr. Carl D. Matz for the Respondents in Nos. 245 and 246; by Mr. Ralph H. Case for the Respondent in No. 247; by Mr. William S. Bennet for the Respondents in Nos. 245 and 246; and concluded by Mr. Paul A. Sweeney for the Petitioner.

Dixie Ohio Express Company,

Appellant,

260 vs.

State Revenue Commission of Georgia, et al.

Argument commenced by Mr. Allan Watkins for the Appellant, continued by Mr. O. H. Dukes for the Appellee, and concluded by Mr. Edgar Watkins for the Appellant.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'clock

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Honorable Homer S. Cummings, Attorney General of the United States, It is ordered that

Key Pittman, Esquire, of Tonopah, State of Nevada; and

Jack K. McFall, Esquire, of Chevy Chase, State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Small, It is ordered that Terrell Marshall, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Leon Gerofsky, Esquire, of Somerville, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Mr. Attorney General Cummings addressed the Court as follows:

"May it please the Court:

"The members of the Bar of this Court on November 26, 1938, met in this room to express their sorrow at the death of Mr. Justice Cardozo. At that meeting moving tributes were paid to his memory; and the following resolutions were adopted:

'The members of the Bar assembled in the Supreme Court House on Saturday, the 26th day of November, 1938, speak for the legal profession of the country in expressing their sorrow at the untimely death of Mr. Justice Cardozo, and resolve to keep in vivid memory the preeminent judicial labors of the Justice as well as the rare qualities of mind and character of which his achievements were the fruit. A formal memorial cannot convey the depth and elevation of his mind, nor catch adequate glimpses of his spiritual qualities. Only the barest outline of his career and of its significance can be attempted.

'Benjamin Nathan Cardozo was born in New York City on May 24, 1870, and died at the house of his intimate friend, Judge Irving Lehman, in Port Chester, New York, on July 9, 1938. He was the younger son of Albert and Rebecca Nathan Cardozo, both of whom were descended from Sephardic Jews who had been connected with the Spanish and Portuguese Synagogue in New York from before the Revolution. His precocity was revealed early, but his was the precocity of accelerated maturity. He graduated from Columbia College at the age of nineteen, taking his master's degree at the same college in the following year. He then attended the Law School of Columbia University for two years, and was admitted to the New York Bar in 1891. For twenty-two years he pursued what was essentially the calling of a barrister, unknown to the general public but quickly attaining the universal esteem of the Bar and Bench of New York. He paid the debt which every lawyer owes to his profession, not merely by proving in daily practice that law is a learned profession but also by his illuminating book, "The Jurisdiction of the New York Court of Appeals."

'His election, in 1913, to the Supreme Court of New York was a striking manifestation of the democratic process. He was not destined to enjoy experience at nisi prius for which he was eager. Just as he was a lawyer's lawyer, so at once he became a judge's judge.

'At the request of the Court of Appeals Governor Glynn promptly designated him to serve as a temporary member of that Court, and in 1917, Governor Whitman appointed Judge Cardozo to a vacancy in one of the permanent places on the Court. In the autumn of that year he was selected by both parties for the full term of fourteen years, and in the autumn of 1927 became, with universal acclaim, the Chief Judge of that great Court. For eighteen years his learning, conveyed with great felicity, gave unusual distinction to the New York Reports, and exerted a dominant influence in making his court the second most distinguished tribunal in the land. In addition his philosophic temper expressed itself, more systematically than legal opinions permit, in four volumes, slender in size but full of imaginative insight, upon the relations of law to life. These are: The Nature of

the Judicial Process, The Growth of the Law, The Paradoxes of Legal Science, and Law and Literature.

'The New York Court of Appeals, with its wide range of predominantly common law litigation, was most congenial for Judge Cardozo. No judge in our time was more deeply versed in the history of the common law, nor more resourceful in applying the living principles by which it has unfolded. His mastery of the common law was matched by his love for it. It was, therefore, a severe wrench for him to be taken from Albany to Washington. Probably no man ever ascended the Supreme Bench so reluctantly. But when Mr. Justice Holmes resigned in 1932, President Hoover's nomination of Chief Judge Cardozo was in the nature of a national call. In selecting him, President Hoover reflected the informed sentiment of the country that, of all judges and lawyers, Chief Judge Cardozo was most worthy to succeed Mr. Justice Holmes.

'It was a grievous loss to the Court and the nation that fate should have granted him less than six full terms on the Supreme Bench. That in so short a time he was able to leave so enduring an impress on the constitutional history of the United States is a measure of his greatness. To say that Mr. Justice Cardozo has joined the Court's roll of great men is to anticipate the assured verdict of history. His juridical immortality is not due to the great causes that came before the Court during his membership; it is attributable to his own genius. With astonishing rapidity he made the adjustment from preoccupation with the restricted, however novel, problems of private litigation to the most exacting demands of judicial statesmanship. Massive learning, wide culture, critical detachment, intellectual courage, and exquisite disinterestedness combined to reinforce native humility and imagination, and gave him in rare measure, those qualities which are the special requisites for the work of the Court in whose keeping lies the destiny of a great nation.

'It is accordingly resolved that we express our profound sorrow at the untimely passing of Mr. Justice Cardozo, and our gratitude for the contributions of his life and labors, the significance of which will endure so long as the record of a consecrated spirit has power to move the lives of men, and Law will continue to be the ruling authority of our nation.

'It is further resolved that the Attorney General be asked to present these resolutions to the Court, and to request that they be inscribed upon its permanent records.'

"It is my privilege to present these resolutions and to ask that they be entered in the permanent records of this Court.

"In discussing the judicial work of Mr. Justice Cardozo, I speak, however haltingly, for the bar of the nation; I feel that in a measure I speak also for the nation itself. A great judge leaves his mark not only on the law which he serves but also on the life of the people. Not until future generations of scholars have traced the course of the law in its constant search for justice

will the full scope of his great service be revealed. But we can today with all certainty say that he opened ways along which a free people may confidently tread.

"For eighteen years Judge Cardozo sat on the Court of Appeals of New York State. It was an eminent court when he came to it; when he left it was the greatest common law court in the land. Throughout this long period, as its members have been quick to say, the court drew heavily upon the inexhaustible learning, the clarity of analysis, and the boldness of thought of their gentle brother. The peculiar influence of Cardozo, however, spread far beyond the conference room. To lawyers and to courts his opinions were more than a record of the judgment. They spoke with the majestic authority of an analysis which reached to the bed rock of the learning of the past and yet was attuned to the needs of the living. And always the opinions spoke in tones of rare beauty. They might deal with things prosaic, but the language, lambent and rich, was that of a poet.

"Opinions in the New York court are assigned by rotation, yet during the years of his service there an exceptionally large number of its great opinions were those of Judge Cardozo. There were few branches of the law that were not quickened by his touch. Significantly, his most notable contributions to the common law are found in fields which had long before settled into fixed forms. No other judge of his time was so deft in weaving the precedents of centuries into a new shape to govern a new society. This is the heart of the common law process, but only a master can fashion a new rule and yet preserve the essential truth of the older decisions.

"To Judge Cardozo the law was meant to serve and not to rule the institutions which it sheltered. No one saw more clearly than he that the imperfect rules of today may stir equities that become the law of tomorrow. In the law of torts, one need only mention on the one side MacPherson v. The Buick Company,[1] where the law as to negligent manufacture was at last brought

[1] MacPherson v. The Buick Motor Co., 217 N.Y. 382.

abreast of modern methods of distribution, and, on the other side, the Palsgraf case,[2] where the notion of 'negligence in the air' received its classic castigation. The impact of Judge Cardozo on contract law is typified by the Duff-Gordon case,[3] where a contract was enforced because the obligations although not express were fairly to be implied. 'The law,' he said, 'has outgrown its primitive stage of formalism when the precise word was the sovereign talisman, and every slip was fatal.' Minor and unintentional defaults in a complicated construction contract, Judge Cardozo held in another case,[4] are not to be subjected to a syllogistic rule whose premises are found in the far simpler contracts of another age. There must be no sacrifice of justice, the opinion reads, whatever may be the doubts of 'those who think more of symmetry and logic in the development of legal rules than of practical adaptation to the attainment of a just result * * *.'

"Throughout these opinions one traces their animating current, the one passion of this gentle and retiring man, that the courts should never fail to use the law to promote justice. While few judges have been so ready to adapt the law to the changing organization of the business world, he steadfastly refused to sanction any relaxation in the morals of the market place. It is likely that most real estate operators would not consider that their duty to their joint venturers extended so far as to share the opportunity to start anew at the conclusion of the venture. But, in the case of Meinhard,[5] Chief Judge Cardozo refused to sanction even so slight a deviation from 'an honor the most sensitive.' As he writes, the ease of the philosopher changes into the inner fire of the prophet. 'Uncompromising rigidity has been the attitude of courts of equity when petitioned to undermine the rule of undivided loyalty by the "disintegrating erosion" of particular exceptions * * *. Only thus has the level of conduct for fiduciaries been kept at a level higher than trodden by the crowd. It will not consciously be lowered by any judgment of this court.'

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2 Palsgraf v. Long Island Railroad Co., 248 N.Y. 339.
3 Wood v. Duff-Gordon, 222 N.Y. 88, 91.
4 Jacob & Youngs v. Kent, 230 N.Y. 239, 242.
5 Meinhard v. Salmon, 249 N.Y. 458, 464.

"In 1932 Chief Judge Cardozo was at the head of the foremost common law court of the land. His court was but rarely forced to plunge into the elusive statesmanship of constitutional law; it was a court of legal craftsmen. He was warmed by the deep friendship of his colleagues. Neither he nor any student of the common law could have wanted more than that he fill out his days in such a fruitful serenity.

"But in that year Justice Holmes resigned. For thirty years, he had enriched the work of this great Court and, by the same token, the legal thought of the Nation. To succeed Justice Holmes there could be but one man. President Hoover spoke for the whole people when he offered the nomination to Chief Judge Cardozo. With reluctance, and through a selfless obedience to the higher duty, Judge Cardozo accepted the call and took his seat on this Court on March 14, 1932.

"His first opinion for the Court appears in the 286th volume and his last opinion in the 302nd volume of the reports.[6] The span is tragically short. But in these brief years Justice Cardozo has notably enriched the history of jurisprudence. To this Court he brought his deep learning in the law and to the solution of its vexing problems he lent a tolerance and a generous understanding which have rarely been equalled.

"He made the transition from New York to this Court with an ease which seemed effortless. The large questions of constitutional law, the unexplored vistas of administrative law, and the complexities of federal taxation, were each beyond the ordinary range of litigation in the Court of Appeals. Yet, from the very beginning, his touch was as sure and his vision as far-ranging as it had been in the familiar rooms at Albany.

"To the specialized fields which provide much of the work of this Court, Mr. Justice Cardozo brought rare skill with the technical tools of the lawyer and an insistent belief that the law failed when it offered reward to chicanery or greed. A complicated

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[6] In these six years, Mr. Justice Cardozo wrote 126 majority opinions, 2 concurring opinions and 24 dissenting opinions; in addition, he collaborated in 7 concurring and 10 dissenting opinions.

question of tax limitation[7] was solved by 'the principle that no one shall be permitted to found any claim upon his own inequity or take advantage of his own wrong.' He differed with the majority of this Court in the Securities and Exchange Commission case,[8] perhaps less because of his analysis of the statute than for fear that it would 'become the sport of clever knaves.' If the registration procedure is not to 'invite the cunning and unscrupulous to gamble with detection,' he continued, 'when wrongs such as these have been committed or attempted, they must be dragged to light and pilloried.'

"But it is in the larger reaches of public law that the broad vision of Mr. Justice Cardozo found full scope. The commentators may dispute as to whether the judge who decides these questions must be more the statesman or the lawyer. But none has doubted that Mr. Justice Cardozo was rarely gifted with both qualities.

"The novel problems presented by administrative law received from him a sympathetic and discerning treatment. He never forgot that administrative agencies were born of a need for developing a technique which differed from judicial litigation. He has written, for the Court, that 'the structure of a rate schedule calls in peculiar measure for the use of that enlightened judgment which the Commission by training and experience is qualified to form. * * * It is not the province of a court to absorb this function to itself.'[9] He saw, too, that these agencies act in a field where substantial accuracy is immeasurably preferable to the complete frustration which would result were an absolute precision sought. The Interstate Commerce Commission, faced with the task of valuing railroads, he said, may recognize that 'in any work so vast and intricate, what is to be looked for is not absolute accuracy, but an accuracy that will mark an advance upon previous uncertainty.'[10] For him the respect to be paid the findings of the administrative tribunal was an imperative rule of decision, not to be satisfied by a verbal recognition. He has placed a decision of the Court on the

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7 Stearns Co. v. United States, 291 U.S. 54, 61-62.
8 Jones v. Securities and Exchange Commission, 298 U.S. 1, 32.
9 Miss. Valley Barge Co. v. United States, 292 U.S. 282, 286.
10 I. C. C. v. New York, N. H. & H. R. Co., 287 U.S. 178, 205.

ground that the lower court, 'though professing adherence to this mandate, honored it, we think, with lip service only.'[11]

"The same quality appears when he considers the validity of state legislation. There could be no tolerance for state regulation which, as he said in the Seelig case,[12] by setting 'a barrier to traffic between one state and another,' 'would neutralize the economic consequences of free trade among the states.' But, so long as the state action contained no threat to national solidarity, it could not properly, Mr. Justice Cardozo felt, be nullified by this Court unless the Constitution spoke to the contrary with unmistakable clarity. When this Court held invalid a state sales tax, graduated according to volume, in the Stewart Dry Goods case,[13] Mr. Justice Cardozo entered eloquent protest. The legislation, he said, was 'a pursuit of legitimate ends by methods honestly conceived and rationally chosen. More will not be asked by those who have learned from experience and history that government is at best a makeshift, that the attainment of one good may involve the sacrifice of others, and that compromise will be inevitable until the coming of Utopia.'

"Few men have, with such whole-hearted humility, practiced that tolerance for human experimentation which many feel must be the hall-mark of a great constitutional jurist. But none knew better than Mr. Justice Cardozo that, when the question was one of personal liberty rather than the economic judgment of the legislature, vigilance rather than obeisance must be the order of decision. Of freedom of thought and speech, he wrote in one of his last opinions for the Court,[14] 'one may say that it is the matrix, the indispensable condition, of nearly every other form of freedom.' He has elsewhere said:[15] 'Only in one field is compromise to be excluded, or kept within the narrowest limits. There shall be no compromise of the freedom to think one's thoughts and speak them, except at those extreme borders where thought merges into action.'

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11 Fed. Trade Com'n v. Algoma Co., 291 U.S. 67, 73.
12 Baldwin v. G. A. F. Seelig, 294 U.S. 511, 521, 526.
13 Stewart Dry Goods Co. v. Lewis, 294 U.S. 550, 577.
14 Palko v. Connecticut, 302 U.S. 319, 327.
15 Mr. Justice Holmes, 44 Harv. Law Rev. 682, 688.

And then follow these majestic words: 'We may not squander the thought that will be the inheritance of the ages.'

"Perhaps the most nearly ultimate field upon which a Justice of this Court must venture is that of measuring the Acts of the Congress against the requirements of the Constitution. Mr. Justice Cardozo sat during six of the most momentous years in the history of this Court. Throughout these years the familiar rules which forbid the Court from passing judgment on the wisdom of the Congress were to him not aphorisms but burning truths. He found, in his own words,[16] a 'salutary rule of caution' in that 'wise and ancient doctrine that a court will not adjudge the invalidity of a statute except for manifest necessity. Every reasonable doubt must have been explored and extinguished before moving to that grave conclusion.' Mr. Justice Cardozo viewed the Constitution as directed to the great end of preserving a democratic government for a free people. This high purpose is defeated if the courts view the Constitution as dictating choice, as he has stated it, in 'a situation where thoughtful and honest men might see their duty differently.'[17] His consistent deference to the judgment of the legislature came not merely from the humility of his nature. It arose also from his profound conviction that, as he put it,[18] 'one kind of liberty may cancel and destroy another,' and that 'many an appeal to freedom is the masquerade of privilege or inequality seeking to intrench itself behind the catchword of a principle.' Thus, where an industry was so glutted by ruthless overproduction that its survival was threatened, Mr. Justice Cardozo saw nothing in the Constitution which forbade the Congress to act, for, as he said in the Carter case,[19] 'The liberty protected by the Fifth Amendment does not include the right to persist in * * * anarchic riot.'

"Mr. Justice Cardozo found no constitutional barrier to prevent the enactment of legislation which was compelled by the urgent needs of an ever changing society. 'The Constitution of the United States,' he wrote in his dissent in the Panama Refining case,[20]

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16 Dissenting in United States v. Constantine, 296 U.S. 287, 299.
17 Mayflower Farms, Inc., v. Ten Eyck, 297 U.S. 266, 276.
18 Mr. Justice Holmes, 44 Harv. Law Rev. 682, 687-688.
19 Dissenting in Carter v. Carter Coal Co., 298 U.S. 238, 331.
20 Panama Refining Co. v. Ryan, 293 U.S. 388, 447.

'is not a code of civil practice.' The commerce power, he has said, 'is as broad as the need that evokes it.'[21] The basic constitutional doctrine of separation of powers was for him not 'a doctrinaire concept to be made use of with pedantic rigor. There must be sensible approximation, there must be elasticity of adjustment, in response to the practical necessities of government, which cannot foresee today the developments of tomorrow in their nearly infinite variety.'[22]

"Thus far I have spoken of our friend as a lawyer and a judge. This imperfect tribute leaves untouched the far reaches of his mind and character. I have not trusted myself to speak of these things. They are so intimate and so beautiful that they quite transcend the limits of our common speech. It is better, I think, to rest upon the words of Justice Holmes who, in tenderness and affection, said that Judge Cardozo was 'a great and beautiful spirit.'[23]

"It was eminently fitting that Mr. Justice Cardoso should have been chosen to deliver the opinion of the Court in the Social Security cases. The governmental process must have seemed noblest to him when it was directed to the relief of the aged, the infirm, and the destitute. His words seem to have sprung from the heart of one who felt with intensity that government succeeds only as it serves the needs of its people: 'Nor is the concept of the general welfare static. Needs that were narrow or parochial a century ago may be interwoven in our day with the well-being of the Nation. What is critical or urgent changes with the times. * * * The hope behind this statute is to save men and women from the rigors of the poor house as well as from the haunting fear that such a lot awaits them when journey's end is near.'[24]

Mr. Justice Cardozo has reached the end of his journey. It has been a journey of loving service to the law and to those

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21 Dissenting in Carter v. Carter Coal Co., 298 U.S. 238, 328.
22 Panama Refining Co. v. Ryan, 293 U.S. 388, 440.
23 Letter to Dr. John C. H. Wu, printed in Holmes, Book Notices, Uncollected Papers, Letters (Shriver), p. 202.
24 Helvering v. Davis, 301 U.S. 619, 641.

who live under the law. I venture to predict that, so long as our common law and our Constitution persist, men will pay tribute to the memory of this shy and gentle scholar, whose heart was so pure and whose mind was so bold.

The Chief Justice said:

"Mr. Attorney General: —The tribute in the resolutions you present comes most fittingly from the members of the Bar who find the ideals of their profession realized in a career of extraordinary worth. It is of special significance at this time that these sentiments of lawyers will find a warm response in the hearts of millions of our fellow countrymen who, without learning in the law, have a keen sense of the public benefit that has come from the quiet, unselfish and humane labors of a great jurist working in the public interest with a consuming zeal. We, his brethren of the Court,—still awestruck by the fate which brought his career to such an untimely and tragic end—receive this tribute with hearts burdened by the sense of loss of that personal association which was to us a priceless privilege.

"Benjamin Nathan Cardozo was city-born and bred. He was reared not in the wide open spaces but within the narrow confines of the great metropolis. But his horizon knew no urban bounds and his vision took in all the circumstances and needs of our country with complete understanding. His urban training made him familiar with some of the most serious problems of our democracy and gave him special alertness to detect every sort of wrong, however cunningly disguised by conventional or tolerated forms. The passion for justice which characterized his work had its roots in what he early perceived in his metropolitan environment and never forgot.

"It would be difficult to find a life so completely and uninterruptedly devoted to pursuits congenial to talent. While enjoying the resources and interests of a cultivated taste, it was to the study of law—its learning, its processes, and its adjustments—that he bent his energies and he reaped the hard-won rewards of the

most distinguished scholarship. He was singularly immune from either the enticements or the demands of activities foreign to strictly professional labors. He did not seek public office. He stood aloof from politics. He did not engage in public controversies or aspire to leadership in organized social efforts. He did not crusade for social reforms. His zeal for human betterment took a direction better suited to his temperament and intellectual interests. He shrank from promiscuous contacts, finding a safe refuge in his books.

"Even at the bar, he was spared the stormy conflicts of jury trials and the contests which evoked passion and animosities. Early distinguished for his ability in analysis and his force and felicity of expression, his professional opportunities lay in briefs and arguments in cases in equity and in appellate courts,—in cases requiring particular skill in the illumination and solution of legal problems, where advocacy needed the resources of the industrious scholar. During his twenty or more years at the bar he neither sought nor had public acclaim. But he deeply impressed his brethren of the profession and on that solid reputation his future was built.

"It was evident to all who knew him that he would be an ideal judge and in truth it was his friends of the bar who procured his nomination and made sure his election as a judge of the Supreme Court of New York, the highest court of original jurisdiction in that State. It was equally plain that his best service would be in an appellate court, and almost immediately he was designated to serve in the highest court of the State and there by subsequent choice of the electorate as Associate Judge and Chief Judge he remained for about eighteen years. His work in the Court of Appeals of New York made him renowned throughout the country. It was service of the highest judicial quality in learning, in skill in exposition, in outstanding contributions to the development of the law. In the field of the common law, his learning gave him the freedom which comes with mastery, as he utilized its processes to secure its intelligent adaptation to the needs of his time. Modest,

sensitive and retiring, he was still a mighty warrior for his convictions and in his expert hands the pen became a sword wielded with devastating power.

"When Mr. Justice Holmes retired in 1932, the country, led by the bar, with one voice urged his appointment to this Court. And here he sat for over five eventful years. In the proceedings which led to the adoption of the resolutions you have presented, Mr. Attorney General, the opinions of Mr. Justice Cardozo--those which he wrote and those in which he concurred--have largely been considered. This is not a fitting occasion for a critique. It is sufficient to say that no judge ever came to this Court more fully equipped by learning, acumen, dialectical skill, and disinterested purpose. He came to us in the full maturity of his extraordinary intellectual power, and no one on this bench has ever served with more untiring industry or more enlightened outlook. The memory of that service and its brilliant achievements will ever be one of the most prized traditions of this tribunal. Mr. Justice Cardozo in one of his penetrating discussions observed: 'If I consult my own experience, and ask what judges do in building law from day to day, I find that for the average run of cases what our predecessors have said is a generative force quite as much as what they have done.' He meant what had been said, not by the way of mere dictum, but what had been said 'as the professed and declared principle dictating the conclusion'. With the same thought he emphasized the 'exceptional cases' when 'the creative function is at its highest'. And I have no doubt it is not so much the specific rulings in the opinions of Mr. Justice Cardozo but what he said in arriving at the rulings that will be found to be a constantly active generative force in working out the decisions of the future. He has left a great arsenal of forensic weapons.

"Mr. Justice Cardozo was devoted to our form of government and to him our constitutional guarantees of essential liberties constituted a heritage to be defended at all costs. With rare insight into our social problems and with vivid imagination, what he thought and sought to enforce was built upon the foundation of profound

study. The idea that 'sentiment or benevolence or some vague notion of social welfare becomes the only equipment needed' was an illusion. 'Nothing,' he said, 'can take the place of rigorous and accurate and profound study of the law as already developed by the wisdom of the past.' 'This,' he added, 'is the raw material which we are to mould.'

"That process of 'moulding' he not only brilliantly illustrated in his judicial opinions, but he subjected it to the most rigorous analysis. The function of the judge in the shaping of the law was for him a subject of perennial fascination, to which he ever returned with a clarity and comprehensiveness of exposition which placed him in the front rank of writers on the philosophy of law,—its nature and its growth. In his view the competing demands of stability and progress pointed to an essential compromise,—'a compromise between paradoxes, between certainty and uncertainty, between the literalism that is the exaltation of the written word and the nihilism that is destructive of regularity and order'. 'The victory,' he said, 'is not for the partisans of an inflexible logic, nor yet for the levelers of all rule and all precedent, but the victory is for those who shall know how to fuse these two tendencies together in adaptation to an end as yet imperfectly discerned'. For Justice Cardozo, the distrust of a concept was the beginning of wisdom and he was constantly on guard against the 'tyranny of labels'. With characteristic detachment, he was aware of the snares of 'universals', as well in his study of the 'theory of juristic method' as in other matters. 'The snares that are thus set may catch the heedless feet of thinkers who have been loud even as they stumbled in cries of danger unto others.' And thus he recognized that 'Generalizations about the ways in which the judicial process works are quite as likely to be incomplete, and to stand in need of supplement or revision, as the generalizations yielded by the process when in action, the output of its workings'.

"On the one hand, Justice Cardozo dissented from the 'depreciation of order and certainty and rational coherence' as merely negligible goods, and, on the other, he was 'wholly one' with the insistence 'that the virtues of symmetry and coherence' can be purchased at too high a price and that law is 'a means to an end and not

an end in itself'. He summed up his teaching and his practice in his heed to the warning that principles and rules and concepts are in many instances but 'glimpses of reality' and that there is the need, as he put it, of 'reformulating them or at times abandoning them altogether when they stand condemned as mischievous in the social consciousness of the hour'.

"Success in such an effort at interpretation of the social consciousness manifestly would demand a rare equipment of learning, experience and wisdom,—a balance of judgment which imperfect knowledge or narrowness of understanding would at once upset. That necessary equipment Mr. Justice Cardozo possessed in a remarkable degree and with his keen awareness he was able to escape the pitfalls into which a lesser mind might easily have stumbled. Justice Cardozo fully recognized the disagreements among those who had studied the juristic method, whether they prosecuted their studies as detached philosophers or with the aid of experience in the exercise of the judicial function, and in summarizing the conflicting contentions he disclosed his own attitude in these words: 'I do not know how it will all end. I know that it has been an interesting time to live in, an interesting time in which to do my little share in translating into law the social and economic forces that throb and clamor for expression. Like any other era of unrest, it has had its pangs of uncertainty, its doubts and hesitation'. And referring to a saying of Bacon, he concluded: 'The "wayes" we have to travel nowadays are not flat and plane, if indeed they ever were. They are uphill and downhill with many a signpost that is false and many another that has fallen. . . . If I have not lost the road altogether, if my feet have not sunk in a quagmire of uncoordinated precedents, I owe it not a little to the signposts and the warnings, the barriers and the bridges, which my study of the judicial process has built along the way'.[1] It was under the sway of the convictions produced by that special study that he wrought out the judicial opinions which constitute his monument.

"Judge Irving Lehman, of the Court of Appeals of New York,

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[1] Address before New York State Bar Association, 1932. Association Report, Vol. 55.

has spoken out of his intimate knowledge of the strong influence exerted by Cardozo as Chief Judge of that court. Judge Lehman referred to his vast store of learning, his unflagging industry and his command of the gentle art of persuasion, but far above those he placed the 'integrity of his mind', 'his complete absorption in his work, his selflessness, his independence restrained by his respect for the opinion of others'. These qualities were also outstanding in his work in this Court. In conference, while generally reserved and reticent until it was his duty to speak, he then responded with an unsurpassed clearness and precision in statement. His gentleness and self-restraint, his ineffable charm, combined with his alertness and mental strength, made him a unique personality. With us who had the privilege of daily association there will ever abide the precious memory not only of the work of a great jurist but of companionship with a beautiful spirit, an extraordinary combination of grace and power."

The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the clerk and will not be announced orally."

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Henry Gross and Theresa Gross, Appellants, vs. Title Insurance and Trust Company, Title Guarantee and Trust Company, et al. — Appeal from the District Court of the United States for the Southern District of California.

490

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

In re Disbarment of W. A. Denson.

It having appeared to the Court from the record in W. A. Denson, Petitioner, v. Board of Commissioners of the State Bar of Alabama, No. 129,

October Term, 1938, that W. A. Denson, of Birmingham, Alabama, a member of the Bar of this Court, has been disbarred from the practice of the law in the Supreme Court of the State of Alabama; and this Court, by order of October 10, 1938, having suspended the said W. A. Denson from the practice of the law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred from the practice of the law in this Court;

And it appearing that the said rule was duly issued and served upon the respondent, who has filed a return thereto; now, upon consideration of the rule to show cause and the return aforesaid,

IT IS ORDERED that said W. A. Denson be, and he is hereby, disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Black did not participate in the consideration or decision of this matter.

Arrow Distilleries, Inc.,

Appellant,

vs.

Wilford S. Alexander, Administrator of the Federal Alcohol Administration.

ON CONSIDERATION of the petition for injunction pending appeal in this case,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John M. Gentle, as Administrator of the Estate of Albert Evans, Deceased,

Petitioner,

vs.

Western & Atlantic Railroad.

On petition for writ of certiorari to the Court of Appeals of the State of Georgia.

506

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Georgia, and of the argument of Counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Hughes.

John H. Gentle, as Administrator of
the Estate of Albert Evans, Deceased,

Petitioner,

506 vs.

Western & Atlantic Railroad.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William B. Doak,

Petitioner,

511 vs.

Federal Land Bank of Baltimore.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William B. Doak,

Petitioner,

511 vs.

Federal Land Bank of Baltimore.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rochester Telephone Corporation,

Appellant,

481 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Denis J. Driscoll, et al.,

Appellants,

509 vs.

Edison Light and Power Company.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Denis J. Driscoll, et al.,

Appellants,

509 vs.

Edison Light and Power Company.

ON CONSIDERATION of the motion to advance this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the case is assigned for argument on Monday, February 6, 1939, immediately following the case heretofore assigned for that day.

Per Mr. Chief Justice Hughes.

Mr. Justice Black is of the opinion that the motion to advance should be granted as requested.

Honolulu Oil Corporation, Ltd., and M. O. Johnston Oil Field Service Corporation,

Petitioners,

466 vs.

Erle P. Halliburton and Halliburton Oil Well Cementing Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Erle P. Halliburton and Halliburton Oil Well Cementing Company,

Petitioners,

479 vs.

Honolulu Oil Corporation, Ltd., and M. O. Johnston Oil Field Service Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mark Graves, John J. Merrill and John P. Hennessey, as Commissioners Constituting the State Tax Commission of the State of New York,

Petitioners,

478 vs.

The People of the State of New York, Upon the Relation of James B. O'Keefe.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Utah Fuel Company, Independent Coal & Coke Company, Liberty Fuel Company, et al.,

Petitioners,

528 vs.

National Bituminous Coal Commission, et al.

Order allowing certiorari

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia, is granted, and the case is assigned for argument on Tuesday, January 3, 1939, after the case heretofore assigned for that day.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Utah Fuel Co., Independent Coal & Coke Co., Liberty Fuel Co., et al.,

Petitioners,

528 vs.

National Bituminous Coal Commission, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

The petition for writ of certiorari is granted and the case is assigned for argument on Tuesday, January 3, 1939, after the case heretofore assigned for that day. The motion for an injunction is granted, and it is ordered that the Respondents be, and they are hereby, enjoined from carrying out the provisions of the order of August 31, 1938, of the National Bituminous Coal Commission, described more fully in the petition for writ of certiorari, and from introducing in any hearing before said Commission and from making available for inspection to interested parties, or others, the individual verified cost and price realization reports of petitioners, pending final disposition of the cause by the Court.

Per Mr. Chief Justice Hughes.

Bryant McQuillen and Samuel Gottlieb, Petitioners,
476 vs.
Clarence Dillon, as President of Dillon, Read & Co., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration and decision of this application.

Agnes Gliwa, etc., Petitioner,
469 vs.
United States Steel Corporation, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Rio Vista Hotel & Improvement Co., Petitioner,
471 vs.
The Belle Mead Development Corporation.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Terminal Railroad Association of St. Louis,

Petitioner,

472 vs.

Ernest W. Aly.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wilma A. Humphrey, Janet Humphrey, by Her Guardian, Ad Litem, Wilma A. Humphrey, et al.,

Petitioners,

473 vs.

Southern Pacific Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Belen Oquendo,

Petitioner,

474 vs.

Federal Reserve Bank of New York, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Martin Wohl and Harry Wohl,
Petitioners,
477 vs.
Realty Associates Securities Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of New Jersey,
Complainant,
11, Original
O. T. 1934 vs.
State of Delaware.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Franz Gorny, Bernhard Gorny, et al.,
Petitioners,
848 O. T. 1937 vs.
The Trustees of the Milwaukee County Orphans Board.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Paysoff Tinkoff,

Petitioner.

1018 O.T. 1937

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Earle S. Welch,

Appellant,

13 vs.

Robert K. Henry, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. O. Stoll,

Petitioner,

20 vs.

William Gottlieb.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arkansas Natural Gas Corporation,

Petitioner,

428 vs.

James M. Sartor, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William J. Mackesy, William B. Mahan and Mary A. Daughney, et al.,

Appellants,

442 vs.

State of Maine.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Ohio Casualty Insurance Company,

Petitioner,

452 vs.

Anna M. Marr, Shelby W. Marr, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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ORDER OF ALLOTMENT OF JUSTICES.

IT IS ORDERED, That the present allotment of the Chief Justice and Associate Justices of this Court among the circuits, be amended by making the following allotment, which shall be entered of record, viz:

For the District of Columbia, Charles Evans Hughes, Chief Justice.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Tuesday, January 3, 1939, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugh L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that

Guy Rogers, Esquire, of Wichita Falls, State of Texas; and

Ray P. Bland, Esquire, of Wichita Falls, State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas J. Frailey, It is ordered that Walter E. Holmes, Esquire, of Arlington, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. DeLacy, It is ordered that William Riland Beall, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John McLean Clifford, It is ordered that Herbert Stedman French, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen M. Burdette, It is ordered that Grover Middlebrooks, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank J. Albus, It is ordered that John F. Greaney, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry Clay Walker, Jr., It is ordered that William C. Fitzhugh, Esquire, of Shreveport, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James W. Irwin, It is ordered that Wm. L. Covington, Esquire, of Falls Church, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mortimer Riemer, It is ordered that George J. Laikin, Esquire, of Milwaukee, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Estes Carter, It is ordered that Ed. B. Levee, Jr., Esquire, of Texarkana, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmore Whitehurst, It is ordered that Albert Spievack, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl D. Loos, It is ordered that Frank B. Belcher, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jules Gilmer Korner, Jr., It is ordered that

James C. Lanier, Esquire, of Greenville, State of North Carolina; and

Beverly S. Royster, Jr., Esquire, of Oxford, State of North Carolina;

be admitted to practice as Attorneys and Counsellors of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Felthan Watson, It is ordered that Justus Reiniger Moll, Esquire, of Springfield, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert P. Smith, It is ordered that Samuel Cober Braucher, Esquire, of Somerset, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Connecticut Railway and Lighting Company,

Petitioner,

63 vs.

Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, as Trustees, etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that so much of the order of the said Circuit Court of Appeals, in this cause, as affects the measure of the lessor's damage for rejection of the lease in question, be, and the same is hereby, reversed; petitioner to recover its costs in this Court.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Connecticut for further proceedings in accordance with the order and opinion

of the Circuit Court of Appeals as herein modified and of this Court.

Per Mr. Justice Reed.

Mr. Justice McReynolds is of opinion that the judgment of the court below should be affirmed.

Mr. Justice Brandeis took no part in the consideration or decision of this case.

The Baltimore & Ohio Railroad Company, et al.,

Appellants,

133 vs.

The United States of America, Interstate Commerce Commission, et al.

Appeal from the District Court of the United States for the Southern District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Reed.

The United States of America,

Petitioner,

154 vs.

Kathleen McClure, as Administratrix of the Estate of John F. McClure.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Washington.

Per Mr. Justice Black.

Chippewa Indians of Minnesota,

Appellant,

214 vs.

The United States.

Appeal from the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Mrs. Zillah Lyon,

Petitioner,

189 vs.

Mutual Benefit Health and Accident Association.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs, and that the judgment of the District Court of the United States for the Western District of Arkansas, in this cause be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Mr. Justice Roberts did not participate in the consideration or decision of this case.

Separate opinion by Mr. Justice Butler in which Mr. Justice McReynolds joins.

Princess Lida of Thurn and Taxis, Formerly Lida Eleanor Purcell Fitzgerald, and John Purcell Fitzgerald,

Petitioners,

118 vs.

Andrew A. Thompson, et al., Trustees.

On writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Roberts.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

180 vs.

Donald H. Owens and Marion Haviland Owens.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Amedeo Obici and Mrs. Amedeo Obici,
Petitioners,
318 vs.
Guy T. Helvering, Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

Ernest K. James, Individually and in His Official Capacity as Tax Commissioner for the State of West Virginia,
Appellant,
161 vs.
United Artists Corporation.

Appeal from the District Court of the United States for the Southern District of West Virginia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of West Virginia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Stone.

The United States,
Petitioner,
245 vs.
The Algoma Lumber Company.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be,

and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice McReynolds and Mr. Justice Roberts took no part in the consideration or decision of this case.

The United States,

Petitioner,

246 vs.

Forest Lumber Company.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice McReynolds and Mr. Justice Roberts took no part in the consideration or decision of this case.

The United States,

Petitioner,

247 vs.

Lamm Lumber Company.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the Court of Claims for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice McReynolds and Mr. Justice Roberts took no part in the consideration or decision of this case.

Socony-Vacuum Oil Company, Inc., Petitioner, vs. Herbert A. Smith, Jr. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

195

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

DISSENTING: Mr. Justice McReynolds.

Gwin, White & Prince, Inc., Appellant, vs. Harold H. Henneford, Thomas S. Hedges and T. M. Jenner, Constituting the State of Washington Tax Commission. — Appeal from the Supreme Court of the State of Washington.

75

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

Opinion by Mr. Justice Butler concurring in the result, in which Mr. Justice McReynolds joins.

DISSENTING opinion by Mr. Justice Black.

The United States of America,

Petitioner,

22 vs.

Continental National Bank and Trust Company, Trustee Under the Last Will and Testament of James Duggan, Deceased, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois.

Per Mr. Justice Butler.

DISSENTING opinion by Mr. Justice Stone in which Mr. Justice Black concurs.

State of Minnesota, by its Attorney General,

Petitioner,

73 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Minnesota.

Per Mr. Justice Brandeis.

Indianapolis Brewing Company, Inc., Appellant,

130 vs.

The Liquor Control Commission of the State of Michigan, et al.

Appeal from the District Court of the United States for the Eastern District of Michigan.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Michigan, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brandeis.

Joseph S. Finch & Company, The Old Quaker Company, and Schenley Distributors, Inc., Appellants,

252 vs.

Roy McKittrick, Attorney General of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brandeis.

Ben Burk, Inc., Appellant,

253 vs.

Roy McKittrick, Attorney General of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brandeis.

Joseph E. Seagram & Sons, Incorporated, and Seagram Distillers Corporation,

Appellants,

254 vs.

Roy McKittrick, Attorney General of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brandeis.

Hinrichs Distilled Products,

Appellant,

255 vs.

Roy McKittrick, Attorney General of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brandeis.

Arrow Distilleries, Inc.,
Appellant,
256 vs.
Roy McKittrick, Attorney General of the State of Missouri, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Brandeis.

The United States,
Petitioner,
169 vs.
Frederick Pleasants.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause, be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

Ford Motor Company,
Petitioner,
182 vs.
National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the writ of certiorari in this cause, be, and the same is hereby, dismissed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

Ford Motor Company,

Petitioner,

183 vs.

National Labor Relations Board.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the order of the said United States Circuit Court of Appeals, in this cause, dated June 10, 1938, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts did not hear the argument and took no part in the consideration and decision of this case.

Russell B. Patterson,

Appellant,

113 vs.

Stanolind Oil and Gas Company and Amerada Petroleum Corporation.

Appeal from the Supreme Court of the State of Oklahoma.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Oklahoma, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

J. Bacon & Sons,

Appellant,

203 vs.

James W. Martin, Individually, and as Commissioner of Revenue of the Commonwealth of Kentucky.

Appeal from the Court of Appeals of the Commonwealth of Kentucky.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the Commonwealth of Kentucky, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

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K. L. Connor,
Appellant,
vs.
E. D. Rivers, Governor of the State of Georgia.

507

Appeal from the District Court of the United States for the Northern District of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Georgia, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the said District Court in this cause be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Arthur L. Whitmer,
Appellant,
vs.
The People of the State of Illinois.

522

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed (1) for the want of jurisdiction; and (2) for the want of a properly presented federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Harmon M. Waley,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Harry Allen,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Sophy Callahan,

Petitioner.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Robert Goldstein,

Petitioner.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lester Washburn,

Appellant,

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vs.

The People of the State of Michigan.

ON CONSIDERATION of the petition for appeal from the Supreme Court of the State of Michigan, referred by the Chief Justice to the Court,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Milton Prebyl,

Petitioner,

429

vs.

Prudential Insurance Company of America.

ON CONSIDERATION of the motion for a written opinion in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arrow Distilleries, Inc.,

Appellant,

552 vs.

Wilford S. Alexander, Administrator of the Federal Alcohol Administration.

ON CONSIDERATION of the application for rehearing of the petition for injunction in this cause,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Payne Hurt,

Petitioner,

529 vs.

Fred G. Zerbst, Warden, U. S. Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Payne Hurt,

Petitioner,

529 vs.

Fred G. Zerbst, Warden, U. S. Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein

to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alfred De Marios,

Petitioner,

533 vs.

R. H. Hudspeth, Warden, U. S. Penitentiary, Leavenworth, Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Alfred De Marios,

Petitioner,

533 vs.

R. H. Hudspeth, Warden, U. S. Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Ross,

Petitioner,

540 vs.

Joseph H. Wilson, as Warden of Great Meadows Prison of the State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Ross,

Petitioner,

540 vs.

Joseph H. Wilson, as Warden of Great Meadows Prison of the State of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James H. Mulford, et al.,

Appellants,

505 vs.

Nat Smith, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Gerrit W. Clason,

Appellant,

517 vs.

The State of Indiana.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

Order allowing certiorari.

486 vs.

Metropolitan Edison Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

Order allowing certiorari.

487 vs.

Pennsylvania Water & Power Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The State Tax Commission of Utah, et al.,

Petitioners,

491 vs.

W. Q. VanCott.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Utah is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Edward Jordan Dimock, as Substituted Executor of the Last Will and Testament of Henry C. Folger, Deceased, etc.,

Petitioner,

482 vs.

Walter C. Corwin, Late Collector of Internal Revenue, First District of New York.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following the hearing of No. 391.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone took no part in the consideration and decision of this application.

General Gas and Electric Corporation,

Petitioner,

492 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following the hearing of Nos. 486 and 487.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

General Gas and Electric Corporation,
Petitioner,

493 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following the hearing of Nos. 486 and 487.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Market Street Railway Company,
Petitioner,

467 vs.

City and County of San Francisco, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred P. Glick and Pauline S. Glick,
Petitioners,
470 vs.
Bank of America National Trust and Savings Association.

On petition for writ of certiorari to the Appellate Department of the Superior Court, State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Department of the Superior Court, State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. E. Hedger Transportation Corporation,
Petitioner,
480 vs.
James Richardson & Sons, Ltd.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Marshall Keig, as Trustee in Bankruptcy of Prima Company, Debtor, et al.,
Petitioners,
483 vs.
The Harris Trust and Savings Bank, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Marshall Keig, as Trustee in Bankruptcy of Prima Company, Debtor, et al.,
Petitioners,
484 vs.
Harris Trust and Savings Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Marshall Keig, as Trustee in Bankruptcy of Prima Company, Debtor, et al.,
Petitioners,
485 vs.
The First National Bank of Chicago.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mills Development Corporation, et al.,
Petitioners,
494 vs.
Shipp & Head, Inc.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Florida, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Scott County, Tennessee and Roscoe Byrd, Trustee of Scott County,

Petitioners,

488 vs.

Paul J. Kent, Receiver of Chattanooga National Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Clayton Lofland,

Petitioner,

496 vs.

Clarence H. Fox, Receiver of the Hartford Sterling Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Clayton Lofland,

Petitioner,

497 vs.

Clarence H. Fox, Receiver of the Hartford Sterling Co., Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States Trust Co., et al., Executors of the Will of Fred S. High, Late of Brookline,

Petitioners,

500 vs.

Commissioner of Corporations and Taxation.

On petition for writ of certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Judicial Court of the Commonwealth of Massachusetts, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charlotte H. Brett,

Petitioner,

501 vs.

Commissioner of Corporations and Taxation.

On petition for writ of certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Judicial Court of the Commonwealth of Massachusetts, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John A. High,

Petitioner,

502 vs.

Commissioner of Corporations and Taxation.

On petition for writ of certiorari to the Supreme Judicial Court of the Commonwealth of Massachusetts.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Judicial Court of the Commonwealth of Massachusetts, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George K. Garrett Company, Inc.,

Petitioner,

427 vs.

The National Lock Washer Company.

ON CONSIDERATION of the motion of General Motors Corporation for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George K. Garrett Company, Inc.,

Petitioner,

427 vs.

The National Lock Washer Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION Thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

General Talking Pictures Corporation,

Petitioner,

1 vs.

Western Electric Company, Inc., et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wm. H. Neblett, Vernon Bettin, et al.,

Petitioners,

21 vs.

Samuel L. Carpenter, Jr., Insurance Commissioner of the State of California, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Armstrong Paint and Varnish Works,

Petitioner,

51 vs.

Nu-Enamel Corporation, an Illinois Corporation, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. E. McDonald,

Petitioner,

55 vs.

Ernest O. Thompson, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Missouri, at the Relation of
Lloyd Gaines,

Petitioner,

57 vs.

S. W. Canada, Registrar of the University of Missouri, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Phoenix Finance Corporation,

Petitioner,

438 vs.

Iowa-Wisconsin Bridge Company, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paul J. Simmons, Trading as Paris Import Company, et al.,

Petitioners,

444 vs.

James A. Farley, Postmaster General of the United States.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sam Berkowitz,

Appellant,

463 vs.

People of the State of Illinois.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anchor Stove & Range Company,

Petitioner,

464 vs.

S. B. Rymer, C. D. Rymer, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The State of Wisconsin, et al.,

Complainants,

2, Original vs.

The State of Illinois, et al.;

The State of Michigan, et al.,

Complainants,

3, Original vs.

The State of Illinois, et al.; and

The State of New York, et al.,

Complainants,

4, Original vs.

The State of Illinois, et al.

Final semi-annual report of the Defendant, Sanitary District of Chicago, dated January 1, 1939, presented.

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Utah Fuel Company, et al.,

Petitioners,

528 vs.

National Bituminous Coal Commission, et al.

Argued by Mr. J. V. Norman for the Petitioner and by Mr. Solicitor General Jackson for the Respondent.

H. P. Welch Company,

Appellant,

295 vs.

The State of New Hampshire.

Argued by Mr. Robert W. Upton for the Appellant and by Mr. Dudley W. Orr and Mr. John E. Benton for the Appellee.

Inland Steel Company,

Appellant,

227 vs.

The United States of America, et al.; and

Chicago By-Product Coke Company,

Appellant,

228 vs.

The United States of America, et al.

Argument commenced by Mr. John S. Burchmore for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

Mr. Solicitor General Jackson presented the Honorable Frank Murphy, of Michigan, Attorney General of the United States, and moved his admission to the Bar.

The Chief Justice said:

"Mr. Attorney General, we welcome you to participation in the increasingly important task of promoting the sound and efficient administration of justice. Your commission will be recorded."

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Said commission being in the words and figures following, viz:

"FRANKLIN D. ROOSEVELT
President of the United States of America,
To all who shall see these presents, Greeting:

Know ye, that reposing special trust and confidence in the Patriotism, Integrity and Abilities of FRANK MURPHY, of Michigan, I do appoint him Attorney General, and do authorize and empower him to execute and fulfil the duties of that Office according to law, and to have and to hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto him the said Frank Murphy, during the pleasure of the President of the

United States, for the time being, and until the end of the next session of the Senate of the United States and no longer.

In testimony whereof, I have caused these Letters to be made Patent, and the Seal of the United States to be hereunto affixed.

Done at the City of Washington this second day of January, in the year of our Lord one thousand nine hundred and thirty-nine, and of the Independence of the United States of America the one one hundred and sixty-third.

S E A L

FRANKLIN D. ROOSEVELT

By the President:
Sumner Wells
Acting Secretary of State."

The Attorney General also filed this commission:

"FRANKLIN D. ROOSEVELT
President of the United States of America,
To all who shall see these presents, Greeting:

KNOW YE, that reposing special trust and confidence in the Patriotism, Integrity and Abilities of FRANK MURPHY, of Michigan, I have nominated, and by and with the advice and consent of the Senate, do appoint him ATTORNEY GENERAL, and do authorize and empower him to execute and fulfil the duties of that Office according to law, and to have and to hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto to him the said Frank Murphy, during the pleasure of the President of the United States, for the time being.

IN TESTIMONY WHEREOF, I have caused these Letters to be made Patent, and the Seal of the United States to be hereunto affixed.

Done at the City of Washington this twentieth day of January, in the year of our Lord one thousand nine hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-third.

S E A L

FRANKLIN D. ROOSEVELT

By the President:
CORDELL HULL
Secretary of State."

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that Frank Murphy, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dean G. Acheson, It is ordered that

Gordon Wade Rule, Esquire, of Washington, District of Columbia; and

Marion P. Wormhoudt, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul F. Myers, It is ordered that

Howard A. Hartman, Esquire, of Milwaukee, State of Wisconsin; and

David A. Fox, Esquire, of Milwaukee, State of Wisconsin;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen Heald, It is ordered that Alvin J. Rockwell, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Craig L. Reddish, It is ordered that

William J. Holliman, Esquire, of Washington, District of Columbia; and

William P. Blake, Jr., Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Inland Steel Company,

Appellant,

227 vs.

The United States of America, et al.; and

Chicago By-Product Coke Company,

Appellant,

228 vs.

The United States of America, et al.

Argument continued by Mr. John S. Burchmore for the Appellants; by Mr. Edward M. Reidy for Appellees, the United States and Interstate Commerce Commission, and concluded by Mr. John S. Burchmore for the Appellants.

D. T. Currin, S. M. Cutts, et al., etc.,

Petitioners,

275 vs.

Henry A. Wallace, Secretary of Agriculture for the United States, et al.

Three hours allowed for oral argument.

Argument commenced by Mr. J. C. Lanier for Petitioners; continued by Mr. Robert H. McConnaughey and Mr. Solicitor General Jackson for the Respondents; and concluded by Mr. B. S. Royster, Jr., for the Petitioners.

City of Texarkana, Texas,

Petitioner,

294 vs.

Arkansas Louisiana Gas Company.

Argument commenced by Mr. Benjamin E. Carter for the Petitioner and continued by Mr. William C. Fitzhugh for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, JANUARY 5, 1939.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles L. McNary, It is ordered that Alexander G. Barry, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Ashurst, It is ordered that Robert R. Reynolds, Esquire, of Asheville, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David W. Robinson, Jr., It is ordered that Pelham L. Felder, Esquire, of Orangeburg, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest Lundeen, It is ordered that Leonard McHugh, Esquire, of Duluth, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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City of Texarkana, Texas,

Petitioner,

294 vs.

Arkansas Louisiana Gas Company.

Argument continued by Mr. William C. Fitzhugh and Mr. Henry C. Walker, Jr., for the Respondent; and concluded by Mr. Benjamin E. Carter for the Petitioner.

John M. Taylor, et al., etc.,

Petitioners,

312 vs.

Standard Gas and Electric Company, et al.

Three hours allowed for oral argument.

Argument commenced by Mr. Jason L. Honigman for the Petitioners; continued by Mr. Nathan A. Gibson for the Respondent, Standard Gas and Electric Company; by Mr. James F. Oates, Jr., for the Respondent, Reorganization Committee of Deep Rock Oil Corporation; by Mr. George S. Ramsey for the Respondent, H. N. Greis, Trustee; and concluded by Mr. Jason L. Honigman for the Petitioners; and case submitted by Mr. W. F. Semple for the Respondent, Debtor Corporation.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that Geo. McGill, Esquire, of Wichita, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that Othniel Hitch, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis R. Kirkham, It is ordered that Leslie A. Cleary, Esquire, of Modesto, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. F. Hobbs, It is ordered that

Marion Rushton, Esquire, of Montgomery, State of Alabama; and

Walter J. Knabe, Esquire, of Montgomery, State of Alabama;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lucien H. Boggs, It is ordered that Tyrus A. Norwood, Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin F. Hunt, It is ordered that Chas. C. Trabue, Jr., Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Z. F. Wood, It is ordered that Beekman Aitken, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mortimer M. Hassell, It is ordered that

Frederick C. Bangs, Esquire, of New York, State of New York; and

Harry T. O'Brien, Jr., Esquire, of Troy, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and he was sworn accordingly.

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Wichita Royalty Company, et al.,

Petitioners,

314 vs.

City National Bank of Wichita Falls, et al.

Argument commenced by Mr. Ray P. Bland for the Petitioners; continued by Mr. Leslie Humphrey for the Respondents; by Mr. T. R. Boone for the Respondents; and concluded by Mr. Guy Rogers for the Petitioners.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

328 vs.

R. J. Reynolds Tobacco Company.

Argued by Mr. Paul A. Freund for the Petitioner and by Mr. J. G. Korner, Jr., for the Respondent.

First Chrold Corporation,

Petitioner,

385 vs.

Commissioner of Internal Revenue.

Argued by Mr. John E. McClure for the Petitioner and submitted by Robert H. Jackson, James W. Morris, Sewall Key, Paul A. Freund and Morton K. Rothschild for the Respondent.

Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that Sidney J. Seligman, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy H. Russell, Jr., It is ordered that

M. Rudolph Preuss, Esquire, of New York, State of New York; and

Laurence W. Lougee, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Harry Weissman, It is ordered that

Samuel S. Baranow, Esquire, of New York, State of New York; and

Maurice Nias, Esquire, of Brooklyn, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John H. Reddy, It is ordered that Jesse C. Parks, Jr., Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bruce K. Brown, It is ordered that Edward B. Beale, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hewett Griggs Robertson, It is ordered that Abraham Kraditor, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rolland Lee Nutt, It is ordered that Harry D. Parker, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

102 vs.

Thomas R. Powers, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Montana.

Per Mr. Justice McReynolds.

Mr. Justice Reed took no part in the consideration or decision of this case.

The Chief Justice announced the following orders of the Court:

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The State of Montana on the Relation of the Board of County Commissioners of Valley County, Montana,

Petitioner,

104 vs.

Archie G. Bruce, County Assessor of Valley County, Montana, et al.

On writ of certiorari to the Supreme Court of the State of Montana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Montana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Howard S. Palmer, et al., Trustees of the Estate of the Old Colony Railroad Company,

Petitioners,

325 vs.

Howard S. Palmer, et al., Trustees of the Estate of the New York, New Haven and Hartford Railroad Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the first question presented by the petition.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Brandeis took no part in the consideration and decision of this application.

Howard S. Palmer, et al., Trustees of the Estate of the Old Colony Railroad Company,

Petitioners,

vs.

Howard S. Palmer, et al., Trustees of the Estate of the New York, New Haven and Hartford Railroad Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

325

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that so much of the decree of the said Circuit Court of Appeals relating to the question of the allowance to be made with respect to loss of rent be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Connecticut for further proceedings in conformity with the opinion of this Court in case No. 63, Connecticut Railway and Lighting Company v. Palmer, decided January 3, 1939.

Per Mr. Chief Justice Hughes.

Mr. Justice Brandeis took no part in the consideration and decision of this case.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

Richard Bundy,

Petitioner,

—

vs.

The United States.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Wisconsin, et al.,

Complainants,

2, Original vs.

State of Illinois, et al.;

State of Michigan, et al.,

Complainants,

3, Original vs.

State of Illinois, et al.; and

State of New York, et al.,

Complainants,

4, Original vs.

State of Illinois, et al.

The semi-annual report of Defendant, Sanitary District of Chicago, dated January 1, 1939, is received and ordered to be filed.

Per Mr. Chief Justice Hughes.

Shirley Jean Clements, by Floyd Henderson, on Her Behalf,

Petitioner,

546 vs.

Leo Arlie Clements, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Shirley Joan Clements, by Floyd Henderson, on Her Behalf,

Petitioner,

546 vs.

Leo Arlie Clements and Minnie Elizabeth Clements.

On petition for writ of certiorari to the Court of Appeals of the State of Ohio, 1st Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of Ohio, 1st Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ray Ingels, as Director of the Department of Motor Vehicles of the State of California, et al.,

Appellants,

534 vs.

Paul Gray, Inc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Federal Power Commissioner,

Petitioner,

508 vs.

Pacific Power & Light Company and Inland Power & Light Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,
Petitioner,

514 vs.

Benjamin Fainblatt, et al., etc., Doing Business Under the Firm Name and Styles of Somerville Manufacturing Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Long Beach Dock and Terminal Company,
Petitioner,

503 vs.

The Pacific Dock and Terminal Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jenkins Petroleum Process Company,
Petitioner,

510 vs.

Sinclair Refining Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

McAdoo & Neblett, et al.,

Petitioners,

512 vs.

F. P. Newport Corporation, Limited, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Minneapolis, St. Paul & Sault Ste. Marie Railway Company,

Petitioner,

519 vs.

The Pike Rapids Power Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Howard S. Palmer, et al., Trustees of the Estate of the New York, New Haven and Hartford Railroad Company,

Petitioners,

373 vs.

Howard S. Palmer, et al., Trustees of the Estate of the Old Colony Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Brandeis took no part in the consideration and decision of this application.

North Whittier Heights Citrus Association,

Petitioner,

340 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Century Indemnity Company,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Martin E. Geibel and Charles R. Morfoot,

Petitioners,

430 vs.

State Bar of California.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

The Court will take a recess from Monday, January 16, until Monday, January 30, next.

Orland S. Loomis, Individually, etc., et al.,

Petitioners,

277 vs.

First Federal Savings and Loan Association.

Motion to substitute John E. Martin, present Attorney General of the State of Wisconsin, in the place and stead of Orland S. Loomis, former Attorney General of the State of Wisconsin, submitted by Mr. Warner W. Gardner in that behalf.

Ford Motor Company,

Petitioner,

182 vs.

National Labor Relations Board; and

Ford Motor Company,

Petitioner,

183 vs.

National Labor Relations Board.

Motion that mandates be ordered to issue forthwith submitted by Mr. Charles A. Horsky for the Respondent.

Ford Motor Company,

Petitioner,

182 vs.

National Labor Relations Board; and

Ford Motor Company,

Petitioner,

183 vs.

National Labor Relations Board.

ON CONSIDERATION of the motion to issue the mandates in these cases forthwith,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Frank Eichholz,

Appellant,

367 vs.

Public Service Commission of the State of Missouri, et al.

Motion for bond submitted by Mr. James M. Linton and Mr. Daniel C. Rogers for the Appellees, in support of the motion, and by Mr. Frank E. Atwood and Mr. Smith B. Atwood for the Appellant, in opposition thereto.

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Ignatius Lanzetta, et al.,

Appellants,

308 vs.

The State of New Jersey.

Argued by Mr. Samuel Kagle for the Appellants and by Mr. Robert Peacock and Mr. French B. Loveland for the Appellees.

Henry S. Long, Chairman and John P. Kohn, Sr., et al.,

Appellants,

339 vs.

Walter Stokes, Jr., as Commissioner of Finance and Taxation of the State of Tennessee.

Argument commenced by Mr. Marion Rushton for the Appellants; continued by Mr. Edwin P. Hunt for the Appellee; and concluded by Mr. Chas. C. Trabue, Jr., for the Appellants.

Mark Graves, John J. Merrill, et al.,

Petitioners,

372 O.T. 1937 vs.

Marion Brown Elliott, Horace F. Phelps, et al.

Argued by Mr. Mortimer M. Kassell for the Petitioners and by Mr. Frederick C. Bangs for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, JANUARY 10, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. John E. Miller, It is ordered that William S. Walker, Esquire, of Harrison, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin W. Meyer, It is ordered that Fred A. Little, Esquire, of Des Moines, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roger Minds, It is ordered that Frank C. Mebane, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Armitage Hartpence, It is ordered that Alfred F. Conway, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Malcolm F. Halliday, It is ordered that Charles P. Bauer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al.,

Appellants,

276 vs.

Gene Buck, Individually, etc., et al.

Argument commenced by Mr. Tyrus A. Norwood for the Appellants; continued by Mr. Lucien H. Boggs for the Appellants; by Mr. Thomas G. Haight for the Appellees; and concluded by Mr. Lucien H. Boggs for the Appellants.

Gene Buck, Individually, etc., et al.,

Appellants,

329 vs.

Phil H. Gallagher, Individually and as State Treasurer of the State of Washington, et al.

Argued by Mr. Thomas G. Haight for the Appellants and by Mr. Alfred J. Schweppe for the Appellees.

The United States of America,

Appellant,

309 vs.

Durkee Famous Foods, Inc.;

The United States of America,

Appellant,

310 vs.

Manhattan Lighterage Corporation; and

The United States of America,

Appellant,

311 vs.

Colgate-Palmolive-Peet Company.

Argument commenced by Mr. Elmer B. Collins for the Appellant.

Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Lawrence Lewis, It is ordered that John P. Akolt, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George C. Vournas, It is ordered that Michael D. Monomos, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles D. Hamel, It is ordered that Lionel A. Mincer, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry E. Smoyer, It is ordered that Welles K. Stanley, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edmund M. Toland, It is ordered that Charles Monroe Thorp, Jr., Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

The United States of America,

Appellant,

309 vs.

Durkee Famous Foods, Inc.;

The United States of America,

Appellant,

310 vs.

Manhattan Lighterage Corporation; and

The United States of America,

Appellant,

311 vs.

Colgate-Palmolive-Peet Company.

Argument continued by Mr. Elmer B. Collins for the Appellant; by Mr. Frank M. Swacker and Mr. Roger Hinds for the Appellees; and concluded by Mr. Elmer B. Collins for the Appellant.

Hugh Allen Bowen,

Petitioner,

359 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

Argued by Mr. Seth W. Richardson for the Petitioner and by Mr. Bates Booth for the Respondent.

Interstate Circuit, Inc., Texas Consolidated Theatres, Inc., et al.,

Appellants,

269 vs.

The United States of America; and

Paramount Pictures Distributing Company, Inc., et al.,

Appellants,

270 vs.

The United States of America.

Argument commenced by Mr. George S. Wright for the Appellants; continued by Mr. Solicitor General Jackson for the Appellee; and concluded by Mr. Thomas D. Thacher for the Appellants.

National Labor Relations Board,

Petitioner,

229 vs.

Columbian Enameling and Stamping Company, Inc.

Argument commenced by Mr. Robert B. Watts for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, JANUARY 12, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Lloyd Paul Stryker, Esquire, of New York, State of New York; and

Frank J. Parker, Esquire, of Brooklyn, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Max Swiren, It is ordered that Frank Greenberg, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Otis L. Mokundro, It is ordered that George Alvin Corbin, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Just, It is ordered that John M. Leach, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence M. Fisher, It is ordered that Max D. Farmer, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Benjamin Freidson, It is ordered that Philip T. Sybert, Esquire, of Elkridge, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Worth Clark, It is ordered that Russell J. Burns, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Godfrey L. Munter, It is ordered that George Philip Grove, Esquire, of Arlington, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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John G. Saxe,

Petitioner,

417 vs.

John S. Shea, as Administrator of the Estate of Charles W. Anderson, Deceased, etc.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

IT APPEARING to the Court that counsel for the petitioner has filed a motion to dismiss the writ of certiorari in this cause;

THEREFORE, in pursuance of said motion, IT IS ORDERED by this Court that the writ of certiorari in this cause be, and the same is hereby, dismissed with costs.

AND IT IS FURTHER ORDERED that the mandate in this cause issue forthwith; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

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National Labor Relations Board,

Petitioner,

229 vs.

Columbian Enameling and Stamping Company, Inc., et al.

Argument continued by Mr. Robert B. Watts for the Petitioner; by Mr. Earl F. Reed for the Respondent, Columbian Enameling and Stamping Company, Inc.; by Mr. Paul R. Shafer for the Respondents, Harry Hiatt, et al.; and concluded by Mr. Robert B. Watts for the Petitioner.

National Labor Relations Board,

Petitioner,

274 vs.

The Sands Manufacturing Company.

Argued by Mr. Charles A. Horsky for the Petitioner and by Mr. Harry E. Smoyer for the Respondent.

National Labor Relations Board,

Petitioner,

436 vs.

Fansteel Metallurgical Corporation.

Argument commenced by Mr. Charles Fahy for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, JANUARY 13, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Aaron Frank, It is ordered that Lewis P. Glaser, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer Thomas, It is ordered that Charles Hill Johns, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elliott H. Moyer, It is ordered that Nathan R. Berke, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Moultrie Hitt, It is ordered that Francis J. Syphr, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warner W. Gardner, It is ordered that Samuel Lawrence Brennglass, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Gillmore Peely, It is ordered that Thomas J. Straub, Esquire, of Los Altos, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. K. Hopkins, It is ordered that Guyte P. McCord, Esquire, of Tallahassee, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Douglas Fairbanks,

Petitioner,

65 vs.

The United States of America.

Motion for leave to file petition for rehearing and for stay of entry of judgment by the District Court submitted by Mr. Arthur F. Driscoll for the Petitioner.

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National Labor Relations Board,

Petitioner,

436 vs.

Fansteel Metallurgical Corporation.

Argument continued by Mr. Charles Fahy for the Petitioner; by Mr. Max Swiren for the Respondent; and concluded by Mr. Charles Fahy for the Petitioner.

Benjamin F. Goodman,

Petitioner,

249 vs.

The United States of America.

Argued by Mr. Patrick J. Friel for the Petitioner and by Mr. Welly K. Hopkins for the Respondent.

The United States of America,

Appellant,

286 vs.

Midstate Horticultural Company, Inc., et al.;

and

The United States of America,

Appellant,

287 vs.

The Pennsylvania Railroad Company.

Argued by Mr. Wendell Berge for the Appellant and by Mr. Francis Biddle for the Appellee in No. 287; and submitted by Mr. Henry Silverman and Mr. Samuel L. Einhorn for the Appellees in No. 286.

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Proclamation being made the Court is adjourned until Monday, January 16, next, at 12 o'clock.

MONDAY, JANUARY 16, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jed Johnson, It is ordered that Frank Mahan, Esquire, of Fairfax, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Will Taylor, It is ordered that Clarence R. Trotter, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis J. Morgan, It is ordered that Frank J. Claydon, Esquire, of Mount Vernon, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George W. Dalzell, It is ordered that George W. Jaques, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Oscar A. Provost, It is ordered that William D. Donnelly, Esquire, of Minneapolis, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter W. Ahrens, It is ordered that Frederick C. Fiechter, Jr., Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James H. Hanley, It is ordered that Thomas J. O'Brien, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Enoch Aquila Chase, It is ordered that Phillip Barnett, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward J. Ennis, It is ordered that

Gerald J. McMahon, Esquire, of New York, State of New York; and

Wadsworth Cresse, Jr., Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The Alton Railroad Company,
Appellant,

vs.

Illinois Commerce Commission, Moulding-Brownell Corporation, and E. Heldmaier, Inc., et al.

Appeal from the Supreme Court of the State of Illinois.

231

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss or affirm which was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, denied.

AND IT IS FURTHER ordered and adjudged by this Court that the

order of the said Supreme Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Butler.

Mr. Justice Black is of opinion that the motion to dismiss should be granted.

Mr. Justice Roberts took no part in the consideration or decision of this case.

The Pullman Company, H. J. Hatch, Edward E. Meyers and A. J. Kash,

Petitioners,

vs.

Mrs. Garnett V. Jenkins and Robert W. Jenkins, by Mrs. Garnett V. Jenkins, His Guardian ad Litem.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

210

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this case.

Concurring opinion by Mr. Justice Black.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the clerk and will not be announced orally."

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Benjamin P. Goodman,
Petitioner,
249 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari, in this cause, be, and the same is hereby, dismissed, as it appears after hearing argument and upon examination of the record that the entire evidence is not contained in the bill of exceptions.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

Ex Parte Albert Bleecker,
Petitioner.
—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Albert Leighton,
Petitioner.
—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ernest B. Williams,

Petitioner,

562 vs.

The Pennsylvania Railroad Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ernest B. Williams,

Petitioner,

562 vs.

The Pennsylvania Railroad Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mary Bimbo,

Petitioner,

565 vs.

The People of the State of Illinois.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mary Bimbo,
Petitioner,
565 vs.
The People of the State of Illinois.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John H. Brown,
Petitioner,
573 vs.
Fred G. Zerbst, Warden.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John H. Brown,
Petitioner,
573 vs.
Fred G. Zerbst, Warden.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Ohio, ex rel.
Carl Green,

Petitioner,

547 vs.

Charles E. King, Clerk of the Court of Common Pleas, Franklin County, Ohio, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Ohio, ex rel.
Carl Green,

Petitioner,

547 vs.

Charles E. King, Clerk of the Court of Common Pleas, Franklin County, Ohio, et al.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Douglas Fairbanks,

Petitioner,

65 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

A motion for leave to file a petition for rehearing and petition for rehearing having been filed in this case;

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said motion for leave to file and petition for rehearing be, and the same are hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the entry of judgment herein by the United States District Court for the Southern District of California, Central Division be, and it hereby is, stayed until further order of the Court.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Frank Eichholz,

Appellant,

367 vs.

Public Service Commission of the State of Missouri, et al.

ON CONSIDERATION of the motion of Appellee, Public Service Commission, that an order be entered requiring the Appellant to file a bond in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Orland S. Loomis, Individually and as Attorney General of the State of Wisconsin, et al.,

Petitioners,

277 vs.

First Federal Savings and Loan Association.

ON CONSIDERATION of the motion to substitute John E. Martin, present Attorney General of the State of Wisconsin, as a party Petitioner in this case in the place and stead of Orland S. Loomis, former Attorney General,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

Chemical Bank & Trust Company, as Trustee Under St. Louis Southwestern Railway Company General and Refunding Mortgage Dated as of July 1, 1930,

Petitioner,

Order allowing certiorari.

495 vs.

Berryman Henwood, Trustee of St. Louis Southwestern Railway Company, Debtor, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is assigned for argument immediately following No. 384.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Bethlehem Steel Company,

Petitioner,

590 vs.

Zurich General Accident & Liability Insurance Company, Limited.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted, and the case is assigned for argument immediately following No. 495.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

Bethlehem Steel Company,

Petitioner,

591 vs.

Anglo-Continentale Treuhand, A. G., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted, and the case is assigned for argument immediately following No. 590.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Curtis F. Bryan, Chas. R. Bostick and Paul L. Sisk, Trustees, etc.,

Petitioners,

499 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Sheppard Potts,

Petitioner,

513 vs.

Norman L. Flippen, Administrator, et al.

On petition for writ of certiorari to the Supreme Court of Appeals of the Commonwealth of Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the Commonwealth of Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Carl M. Lifson, Administrator of the Estate of Benjamin Lifson, Deceased, and Sophie Lifson,

Petitioners,

515 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

International Ladies' Garment Workers' Union, etc., et al.,

Petitioners,

526 vs.

Donnelly Garment Company, Donnelly Garment Sales Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Schwartz Sales Company,
Petitioner,
527 vs.
Steiner Sales Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In re Disbarment of W. A. Denson.

A petition for rehearing having been filed in this matter,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Black took no part in the consideration and decision of this application.

The Rio Vista Hotel & Improvement Co.,
Petitioner,
471 vs.
The Belle Mead Development Corporation.

A petition for rehearing or for written opinion having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Solomon G. Salomon,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus submitted by Mr. Solomon G. Salomon, pro se.

John E. Martin, Individually and as Attorney General of the State of Wisconsin, et al.,

Petitioners,

277 vs.

First Federal Savings and Loan Association.

ON CONSIDERATION of the motion for the withdrawal of the appearance of Benjamin Poss as counsel for the Petitioners in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

John E. Martin, Individually and as Attorney General of the State of Wisconsin, et al.,

Petitioners,

277 vs.

First Federal Savings and Loan Association.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

It appearing to the Court that counsel for the Petitioners has filed a motion to dismiss the writ of certiorari in this cause;

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the writ of certiorari, in this cause, be, and the same is hereby, dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Chief Justice Hughes.

A. B. Hale, as Chairman, and E. A. McColskey, et al., etc.,

Appellants,

418 vs.

Bimco Trading, Inc., et al.

Motion for leave to file supplemental record submitted by Mr. M. H. Long for the Appellees.

James L. Minnis, et al.,

Petitioners,

520 vs.

Southern Pacific Company, et al.

Motion for a writ of certiorari to correct a diminution of the record submitted by Mr. James L. Minnis for the Petitioners.

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Proclamation being made the Court is adjourned until Monday, January 30, next, at 12 o'clock.

MONDAY, JANUARY 30, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,

James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Norman MacDonald, Esquire, of New York, State of New York;

Joseph E. Brill, Esquire, of New York, State of New York;

Morris D. Forkosch, Esquire, of New York, State of New York;

David C. Moore, Esquire, of Wilmington, State of Delaware; and

Benjamin Goodman, Jr., Esquire, of Memphis, State of Tennessee;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph E. Church, It is ordered that Marvin Wallach, Esquire, of Highland Park, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard B. Russell, Jr., It is ordered that Frank Milton Gleason, Esquire, of Rossville, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther A. Johnson, It is ordered that Chas. W. Bell, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Smith B. Atwood, It is ordered that Douglas D. McDonald, Esquire, of Jefferson City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Lord O'Brian, It is ordered that Edward W. Hamilton, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. B. Robinson, It is ordered that Bourke Jones, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter H. Maloney, It is ordered that Melville W. Borders, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. H. Donovan, It is ordered that Kenneth Teasdale, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Rea Williams, It is ordered that

Hale Houts, Esquire, of Kansas City,
State of Missouri; and

Dean Wood, Esquire, of Kansas City,
State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Fitts, It is ordered that Jack Crenshaw, Esquire, of Montgomery, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Andrew M. Hood, It is ordered that Clarence F. McGovern, Esquire, of Jersey City, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The President, with the advice and consent of the Senate, has appointed Felix Frankfurter of Massachusetts to be Associate Justice of this Court. Mr. Frankfurter is present. The Clerk will read his commission. Mr. Frankfurter will then take the oath and the Marshal will escort him to his seat upon the bench."

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The Clerk then read the commission as follows:

"F R A N K L I N D. R O O S E V E L T,

"PRESIDENT OF THE UNITED STATES OF AMERICA,

To all who shall see these Presents, Greeting:

KNOW YE; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Felix Frankfurter, of Massachusetts, I have nominated, and, by and with the advice and consent of the Senate, do appoint him an Associate Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Felix Frankfurter, during his good behavior.

In testimony whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

S E A L

Department of Justice

Done at the City of Washington this twentieth day of January, in the year of our Lord one thousand nine hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

FRANK MURPHY

Attorney General."

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The oath of office was then administered by the Clerk, and Mr. Justice Frankfurter was escorted by the Marshal to his seat upon the bench.

Which said oaths were in the words and figures following:

"SUPREME COURT OF THE UNITED STATES.

October Term, 1938.

I, FELIX FRANKFURTER, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter.

So help me God.

FELIX FRANKFURTER

Subscribed and sworn to before me this thirtieth day of January, A. D., 1939.

CHARLES EVANS HUGHES
Chief Justice of the United States."

"SUPREME COURT OF THE UNITED STATES.

October Term, 1938.

I, FELIX FRANKFURTER, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States.

So help me God.

FELIX FRANKFURTER

S E A L

Subscribed and sworn to before
me this thirtieth day of January,
A. D., 1939.

CHARLES ELMORE CROPLEY
Clerk of the Supreme Court of the United States."

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Southern Pacific Company,
Appellant,
vs.
Andrew J. Gallagher, Fred E. Stewart, Richard E. Collins, William G. Bonelli and Harry B. Riley, as Members of the State Board of Equalization of the State of California, et al.

Appeal from the District Court of of the United States for the Northern District of California.

212

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and

the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Mr. Justice Black concurs in the result.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting: Mr. Justice McReynolds and Mr. Justice Butler.

The Pacific Telephone and Telegraph Company,

Appellant,

213 vs.

Andrew J. Gallagher, Fred E. Stewart, Richard E. Collins, William G. Bonelli and Harry B. Riley, as Members of the State Board of Equalization of the State of California.

Appeal from the District Court of the United States for the Northern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Dissenting: Mr. Justice McReynolds and Mr. Justice Butler.

Inland Steel Company,

Appellant,

227 vs.

The United States of America, Interstate Commerce Commission and Indiana Harbor Belt Railroad Company.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Chicago By-Product Coke Company, Appellant,

228 vs.

The United States of America, Interstate Commerce Commission, The Indiana Belt Railway Company, of Chicago, et al.

Appeal from the District Court of the United States for the Northern District of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Illinois, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Black.

The United States of America, Appellant,

286 vs.

Midstate Horticultural Company, Inc., and Arpaxat Setrakian.

Appeal from the District Court of the United States for the Eastern District of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Black.

The United States of America, Appellant,

287 vs.

The Pennsylvania Railroad Company.

Appeal from the District Court of the United States for the Eastern District of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Black.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

328 vs.

R. J. Reynolds Tobacco Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

First Chrold Corporation,

Petitioner,

385 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

The Tennessee Electric Power Co., et al.,

Appellants,

27 vs.

Tennessee Valley Authority, et al.

Appeal from the District Court of the United States for the Eastern District of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record

from the District Court of the United States for the Eastern District of Tennessee, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Roberts.

Mr. Justice Reed took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds joins.

Mackay Radio and Telegraph Company, Inc.,
Petitioner,
127 vs.
Radio Corporation of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Roberts took no part in the consideration or decision of this case.

Wichita Royalty Company, et al.,
Petitioners,
314 vs.
City National Bank of Wichita Falls, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed, petitioners to recover their taxable costs in this Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Texas with directions to proceed in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Dixie Ohio Express Company,
Appellant,
vs.
State Revenue Commission of Georgia, et al.

Appeal from the Supreme Court of the State of Georgia.

260

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Georgia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Butler.

Mr. Justice Black concurs in the result.

Mr. Justice Roberts took no part in the consideration or decision of this case.

H. P. Welch Company,
Appellant,
vs.
The State of New Hampshire.

Appeal from the Supreme Court of the State of New Hampshire.

295

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New Hampshire, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Butler.

The Washingtonian Publishing Company, Inc.,

Petitioner,

222 vs.

Drew Pearson, Robert S. Allen, and Van Rees Press, Inc., et al.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice McReynolds.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Roberts and Mr. Justice Reed concur.

Utah Fuel Company, Independent Coal and Coke Company, Liberty Fuel Company, et al.,

Petitioners,

528 vs.

National Bituminous Coal Commission, et al.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the Court of Appeals in this cause be, and the same is hereby, reversed, and that the decree of the District Court of the United States for the District of Columbia in this cause be, and the same is hereby, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice McReynolds.

Concurring: Mr. Justice Black.

Felt and Tarrant Manufacturing Co.,
Appellant,
302 vs.
Andrew J. Gallagher, Fred E. Stewart, Richard E. Collins, et al., etc.

Appeal from the District Court of the United States for the Southern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice McReynolds.

Mr. Justice Roberts took no part in the consideration or decision of this case.

The United States of America,
Appellant,
309 vs.
Durkee Famous Foods, Inc.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice McReynolds.

The United States of America,
Appellant,
310 vs.
Manhattan Lighterage Corporation.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice McReynolds.

The United States of America,
Appellant,
vs.
Colgate-Palmolive-Peet Company.

311

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice McReynolds.

D. T. Currin, S. M. Cutts, and H. A. Averett, Doing Business as Fleming Warehouse, Oxford, North Carolina, et al.,
Petitioners,
vs.
Henry A. Wallace, Secretary of Agriculture for the United States, et al.

275

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of North Carolina.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Justice McReynolds and Mr. Justice Butler.

Hugh Allen Bowen,

Petitioner,

359 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of California.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following order of the Court:

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Arrow Distilleries, Inc.,

Appellant,

552 vs.

Wilford S. Alexander, Administrator of the Federal Alcohol Administration.

Appeal from the District Court of the United States for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the order of the District Court in this cause be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED, adjudged, and decreed by this Court that the order of the said District Court denying an interlocutory injunction in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the clerk and will not be announced orally."

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Ex Parte Clarence M. Brummett,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Solomon C. Salomon,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration and decision of this application.

Ex Parte Forrest Holiday,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Joseph Poresky,

Petitioner.

ON CONSIDERATION of the motion for an interlocutory decree and amendment herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rolla W. Coleman, W. A. Barron, et al.,

Petitioners,

7 vs.

Clarence W. Miller, as Secretary of the Senate of the State of Kansas, et al.;

Albert Benjamin Chandler, Individually, etc., et al.,

Petitioners,

14 vs.

James W. Wise and Ray B. Moss; and

The United States of America, et al.,

Appellants,

221 vs.

F. O. Morgan, Doing Business as F. O. Morgan Sheep Commission Company, et al.

These cases are ordered restored to the docket and assigned for reargument on Monday, February 27, next.

Per Mr. Chief Justice Hughes.

A. B. Hale, as Chairman, et al., etc.,

Appellants,

418 vs.

Bimco Trading, Inc., et al.

ON CONSIDERATION of the motion of the Appellees for leave to supplement the record in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, without prejudice to the authority of the Court to make such order as to costs as it may deem proper, if it appears that the Appellees have caused unnecessary parts of the record to be printed.

Per Mr. Chief Justice Hughes.

Leander H. Caswell,

Petitioner,

192 vs.

Henry Morgenthau, Jr., as Secretary of the Treasury of the United States, et al.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Trina K. Jackson, Administratrix, etc.,

Petitioner,

581 vs.

The Capital Transit Company.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Trina K. Jackson, Administratrix of the Estate of Frank Jackson, Deceased,

Petitioner,

581 vs.

The Capital Transit Company.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The People of the State of New York, ex rel. Joseph Ross,

Petitioner,

584 vs.

Joseph H. Wilson, as Warden of Great Meadows Prison.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The People of the State of New York, ex rel. Joseph Ross,

Petitioner,

584 vs.

Joseph H. Wilson, as Warden of Great Meadows Prison.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Julian K. Saylor,

Petitioner,

587 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Julian K. Saylor,

Petitioner,

587 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel White,

Petitioner,

521 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel White,

Petitioner,

521 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Justus B. Linderholm,

Petitioner,

595 vs.

The State of Kansas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Justus B. Linderholm,

Petitioner,

595 vs.

The State of Kansas.

On petition for writ of certiorari to the Supreme Court of the State of Kansas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Kansas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Paramount Pictures, Inc., et al.,

Appellants,

567 vs.

William A. Langer, Individually, etc., et al.; and

Paramount Pictures, Inc., et al.,

Appellants,

568 vs.

Alvin C. Strutz, Individually, etc., et al.

The statement of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

H. C. Rorick, Joseph R. Grundy, et al.,

Appellants,

554 vs.

Board of Commissioners of Everglades Drainage District, etc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Rafael Sancho Bonet, Treasurer of Puerto Rico,

Petitioner,

Order allowing certiorari.

498 vs.

Yabucoa Sugar Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

John Carrier and J. Harvey Carpenter, Guardian of John Carrier, Incompetent Veteran,

Petitioners,

Order allowing certiorari.

541 vs.

Curley Bryant.

The petition herein for a writ of certiorari to the Supreme Court of the State of North Carolina is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Lottie P. Sprague,

Petitioner,

Order allowing certiorari.

543 vs.

Ticonic National Bank, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

John Goins,

Petitioner,

Order allowing certiorari.

516 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted, limited to the question whether the Circuit Court of Appeals should have reversed the judgment of conviction because of the refusal of the trial court to grant Instruction B requested by the Defendant.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,
ex rel. Michele De Vita,

Petitioner,

561 vs.

Byron H. Uhl, District Director
of Immigration, Port of New York.

ON CONSIDERATION of the motion to proceed on typewritten papers in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

The United States of America,
ex rel. Michele De Vita,

Petitioner,

561 vs.

Byron H. Uhl, District Director
of Immigration, Port of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James L. Minnis, et al.,

Petitioners,

520 vs.

Southern Pacific Company, et al.

ON CONSIDERATION of the motion for a writ of certiorari to

correct a diminution of the record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James L. Minnis, et al.,
Petitioner,
520 vs.
Southern Pacific Company, Southern Pacific Golden Gate Ferries, Ltd., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Clarence J. Morley,
Petitioner,
549 vs.
The United States of America.

ON CONSIDERATION of the motion to proceed on the typewritten record in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Clarence J. Morley,
Petitioner,
549 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein

to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Societe Suisse Pour Valeurs De Metaux,

Petitioner,

539 vs.

Homer S. Cummings, Attorney General of the United States, and William A. Julian, Treasurer of the United States.

The resignation of Homer S. Cummings, as Attorney General of the United States, and the appointment of Frank Murphy to said office having been suggested,

IT IS, on motion of Mr. Solicitor General Jackson, ORDERED by this Court that Frank Murphy, present Attorney General of the United States, be, and he is hereby, substituted and made a party respondent in this cause in the place and stead of Homer S. Cummings, resigned.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone took no part in the consideration and decision of this motion.

Societe Suisse Pour Valeurs De Metaux,

Petitioner,

539 vs.

Frank Murphy, Attorney General of the United States, and William A. Julian, Treasurer of the United States.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone took no part in the consideration and decision of this application.

Southern California Freight Lines, Ltd., Petitioner,
518 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. R. Eppenauer, et al., Petitioners,
523 vs.
The Ohio Oil Company (Marathon Oil Company, Original Plaintiff).

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. W. Compton, et al., Petitioners,
524 vs.
The Ohio Oil Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Mamie H. Thomason, et al.,
Petitioners,
525 vs.
United Gas Public Service Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Eleanore Kolipinski Smith, Joan C. Smith and Eleanore M. Smith, et al.,
Petitioners,
530 vs.
Ella M. Ockerhausen, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Eleanore Kolipinski Smith, Joan C. Smith and Eleanore M. Smith, et al.,
Petitioners,
531 vs.
Ella M. Ockerhausen, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Tennessee Wesleyan College, Petitioner,
535 vs.
Charles S. Coffey, Receiver of First National Bank of Chattanooga, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Tennessee Wesleyan College, Petitioner,
536 vs.
Paul J. Kent, Receiver of Chattanooga National Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Maryland Casualty Company, Petitioner,
538 vs.
Jack L. Sammons and John R. Crandall.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. P. Deppe,
Petitioner,
532 vs.
General Motors Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Pacific Health Corporation, Inc.,
Petitioner,
537 vs.
People of the State of California, ex rel. State Board of Medical Examiners.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Swindell Brothers, Inc. and Amsler-Morton Company,
Petitioners,
558 vs.
Hartford-Empire Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr.Chief Justice Hughes.

Mrs. Zillah Lyon,

Petitioner,

189 vs.

Mutual Benefit Health and Accident Association.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Market Street Railway Company,

Petitioner,

467 vs.

City and County of San Francisco, et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arthur L. Whitmer,

Appellant,

522 vs.

The People of the State of Illinois.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William B. Doak,

Petitioner,

511 vs.

Federal Land Bank of Baltimore.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Maytag Company,

Petitioner,

76 vs.

Hurley Machine Company, et al.; and

The Maytag Company,

Petitioner,

77 vs.

Easy Washing Machine Corporation.

Motion for leave to file petition for rehearing submitted by Mr. Wallace R. Lane for the Petitioner.

Docia B. Davies,

Appellant,

624 vs.

Metropolitan Life Insurance Company, et al.

Appeal from the Supreme Court of the State of Washington.

Mr. E. D. Weller and Mr. Philip S. Brooke, counsel for the Appellee, having filed in open Court the following certificate, to wit:

"IN THE SUPREME COURT OF THE STATE OF WASHINGTON

MOZELLA E. DAVIES, Plaintiff
vs.

No. 26447

METROPOLITAN LIFE INSURANCE COMPANY, a corporation, et al., Respondents

DOCIA B. DAVIES, Intervening Defendant and Cross-Complainant, Appellant.

CERTIFICATE

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I, BENJAMIN T. HART, Clerk of the Supreme Court of the State of Washington, do hereby certify that in a certain cause pending in the Superior Court of the State of Washington, in and for the County of Spokane, wherein Mozella E. Davies was plaintiff, and Metropolitan Life Insurance Company, a corporation, Bank of Fairfield, a corporation, Bank of Rosalia, a corporation, John Hancock Mutual Life Insurance Company, a corporation, Docia Davies, as Guardian of Lewis Davies, an incompetent; Docia Davies; John Hartmeier and Jane Doe Hartmeier, his wife; and also all other persons or parties unknown claiming some right, title or interest in the real estate described herein, were defendants; final judgment of dismissal was entered as to the cross-complaint of the defendant Docia B. Davies, on the 21st day of May 1936 in favor of the said Metropolitan Life Insurance Company, a corporation, whereupon an appeal was taken by the said Docia B. Davies, defendant, to the Supreme Court of the State of Washington, and on the 14th day of September, 1937, judgment of dismissal was affirmed and petition for rehearing was thereupon filed and denied by the court on November 16, 1937, whereupon an appeal to the Supreme Court of the United States was petitioned for by the said Docia B. Davies, and allowed by the above entitled court on February 15, 1938; that thereafter on the 18th day of February, 1938, said Docia B. Davies filed a bond with sureties in the sum of Two Hundred Fifty ($250.00) Dollars.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the Seal of said Supreme Court this 5th day of January, 1939.

(SEAL)

(sgd) BENJ. T. HART
Clerk of the Supreme Court of the State of Washington."

and having moved the Court to docket and dismiss this cause pursuant to the 11th Rule.

AND IT APPEARING TO THE COURT that the Appellant has failed to have her cause filed and docketed in conformity with the rules of this Court,

IT IS ORDERED and adjudged by this Court that this appeal be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court of the State of Washington to be proceeded in according to law and justice.

Per Mr. Chief Justice Hughes.

The Goodyear Tire & Rubber Company, Petitioner,
191 vs.
Overman Cushion Tire Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

IT APPEARING to the Court that counsel for the Petitioner have filed a motion to dismiss the petition for certiorari in this cause;

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Overman Cushion Tire Company, Inc., Petitioner,
200 vs.
The Goodyear Tire and Rubber Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

IT APPEARING to the Court that counsel for the Petitioner have filed a motion to dismiss the petition for certiorari in this cause;

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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Ex Parte Mike Holchak,

Petitioner.

—, Original.

Argued on the rule to show cause and the return thereto by Mr. Frank J. Wideman for the Petitioner and submitted by Mr. Earl Warren for the Respondent, Court Smith, Warden of the California State Prison at San Quentin.

Edward H. Titus,

Petitioner,

188 vs.

Lou C. Wallick.

Argued by Mr. Thomas I Sheridan for the Petitioner and by Mr. William M. Summer for the Respondent.

Frank O. Lowden, et al., Trustees, etc.,

Petitioners,

342 vs.

Simonds-Shields-Lonsdale Grain Company.

Argument commenced by Mr. Hale Houts for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, JANUARY 31, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William R. Vallance, It is ordered that

Jno. E. Fleury, Esquire, of Gretna, State of Louisiana; and

Ernest M. Conzelmann, Esquire, of Gretna, State of Louisiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh W. McCulloch, It is ordered that

Lewis C. Murtaugh, Esquire, of Chicago, State of Illinois; and

Ned P. Veatch, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald B. MacGuineas, It is ordered that Albert J. Feigen, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Poteet, Jr., It is ordered that Claude A. LeRoy, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold C. Faulkner, It is ordered that Wallace Sheehan, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wallace Streater, It is ordered that George Wright Eydd, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest H. VanFossan, It is ordered that Edward Cowley Radue, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Darry, It is ordered that T. B. Hudson, Esquire, of Bartlesville, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Frank O. Lowden, et al., Trustees, etc.,

Petitioners,

342 vs.

Simonds-Shields-Lonsdale Grain Company.

Argument continued by Mr. Malo Houts for the Petitioners; by Mr. Melville W. Borders for the Respondent; and concluded by Mr. Dean Wood for the Petitioners.

The United States of America,

Petitioner,

360 vs.

Charles F. Towery, in his own right, etc.

Argued by Mr. Wilbur C. Pickett for the Petitioner and by Mr. Edward H. S. Martin for the Respondent.

Keifer and Keifer, a co-partnership, etc.,

Petitioner,

364 vs.

Reconstruction Finance Corporation and Regional Agricultural Credit Corporation of Sioux City, Iowa.

Argument commenced by Mr. Ernest B. Perry for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

WEDNESDAY, FEBRUARY 1, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter. Associate Justices.
Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles Sumner Lobingier, It is ordered that

Beatrice Dailey Offutt, of Washington, District of Columbia; and

Jose M. Aruego, Esquire, of Manila, Commonwealth of the Philippines;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Douglas L. Hatch, It is ordered that Robert S. Macfarlane, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that Elias Lieberman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Russell J. Burns, It is ordered that Virgil J. Livingstone, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Allen G. Gartner, It is ordered that William L. Harrison, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Keifer and Keifer, a co-partnership, etc.,

Petitioner,

364 vs.

Reconstruction Finance Corporation and Regional Agricultural Credit Corporation of Sioux City, Iowa.

Argument continued by Mr. Peyton R. Evans for the Respondent, Agricultural Credit Corporation, and concluded by Mr. Ernest B. Perry for the Petitioner.

Frank Eickholz,

Appellant,

367 vs.

Public Service Commission of the State of Missouri, et al.

Argument commenced by Mr. Smith B. Atwood for the Appellant; continued by Mr. Daniel C. Rogers and Mr. James H. Linton for the Appellees; and concluded by Mr. D. D. McDonald for the Appellant.

Ray L. Chesebro,

Appellant,

368 vs.

Los Angeles County Flood Control District, et al.

Argument commenced by Mr. Bourke Jones for the Appellant and continued by Mr. W. B. McKesson for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter. Associate Justices.
Thomas Ewalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Howard Cecil Kilpatrick, It is ordered that Paul B. Barringer, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur J. Mellott, It is ordered that Milton E. Carter, Esquire, of Kansas City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ray L. Chesebro,

Appellant,

368 vs.

Los Angeles County Flood Control District, et al.

Argument continued by Mr. W. B. McKesson for the Appellees; and concluded by Mr. Bourke Jones for the Appellant.

The United States of America,

Petitioner,

391 vs.

Elizabeth C. Jacobs, Executrix, etc.

Argued by Mr. Norman D. Keller for the Petitioner and by Mr. Hugh W. McCulloch for the Respondent.

Edward Jordan Dimock, as substituted Executor, etc.,

Petitioner,

482 vs.

Walter C. Corwin, Late Collector of Internal Revenue, First District of New York.

Argued by Mr. E. J. Dimock for the Petitioner and by Mr. Norman D. Keller for the Respondent.

The United States of America,

Petitioner,

437 vs.

C. T. Jaffray, R. H. M. Robinson, et al., etc.

Argument commenced by Mr. Charles A. Horsky for the Petitioner and continued by Mr. Hayner N. Larson for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, FEBRUARY 3, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter. Associate Justices.

Thomas Knalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Luther A. Johnson, It is ordered that Martin Dies, Esquire, of Orange, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf Mr. D. Worth Clark, It is ordered that Gibson A. Condie, Esquire, of Hailey, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Enrietto, It is ordered that Melvin M. Hawley, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. H. E. Carter, It is ordered that

Thomas Pleasant Whitaker, Esquire, of Tampa, State of Florida;

Patrick Crisp Whitaker, Esquire, of Tampa, State of Florida; and

Charles P. Blake, Esquire, of Tampa, State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James F. Byrnes, It is ordered that Julian S. Wolfe, Esquire, of Orangeburg, State of South Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin H. Long, It is ordered that Robinson R. Saunders, Esquire, of Fort Lauderdale, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles A. Horsky, It is ordered that Otto Haakenstad, Esquire, of Fargo, State of North Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Petitioner,

437 vs.

C. T. Jaffray, R. H. M. Robinson, et al., etc.

Argument continued by Mr. Hayner N. Larson for the Respondents and concluded by Mr. Charles A. Horsky for the Petitioner.

The United States of America,

Petitioner,

416 vs.

Bertelsen & Petersen Engineering Company.

Argued by Mr. Charles A. Horsky for the Petitioner and by Mr. O. Walker Taylor for the Respondent.

Frances Perkins, Secretary of Labor, et al.,

Petitioners,

454 vs.

Marie Elizabeth Elg; and

Marie Elizabeth Elg,

Petitioner,

455 vs.

Frances Perkins, Secretary of Labor, et al.

Argued by Mr. Henry P. Butler for Elg and by Mr. Solicitor General Jackson for Perkins, Secretary of Labor, et al.

Hugh Pierre,

Petitioner,

142 vs.

State of Louisiana.

Argument commenced by Mr. Maurice H. Woulfe for the Petitioner.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. T. Ludlow Chrystie, It is ordered that Thomas Witter Chrystie, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Roland Kinzer, It is ordered that Leroy K. Donaldson, Esquire, of New Castle, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence J. McLeod, It is ordered that Meyer H. Rubin, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morris L. Ernst, It is ordered that Spaulding Frazer, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert C. Mandwerk, It is ordered that Joseph R. Schulz, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth T. Cole, It is ordered that William M. O'Reilly, Esquire, of Albany, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin W. Meyer, It is ordered that Edward J. Prest, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. Moore, It is ordered that Merton Baird Tice, Esquire, of Mitchell, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Paul Jones, It is ordered that

Thomas Browning Heffelfinger, Esquire, of Washington, District of Columbia; and

Ross Alfred Heffelfinger, Jr., Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Shelby Fitze, It is ordered that John C. Ridley, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Mabel Walker Willebrandt, It is ordered that Joseph P. Loeb, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Mildred E. Reeves, It is ordered that Carl F. Allebaugh, Esquire, of Steubenville, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

City of Texarkana, Texas,
Petitioner,
294 vs.
Arkansas Louisiana Gas Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Texas for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice McReynolds and Mr. Justice Butler are of opinion that the decision of the Circuit Court of Appeals is right and that its decree should be affirmed.

Mr. Justice Frankfurter took no part in the consideration or decision of this case.

* Decree in No. 294 amended March 27, 1939. See p. 614

The Chief Justice announced the following order of the Court:

Eastern Shore Public Service Company, and the Pennsylvania Company for the Insurances on Lives and Granting Annuities,
Appellants,
489 vs.
The Town of Seaford.

Appeal from the Supreme Court of the State of Delaware.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Delaware, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Hughes.

Eastern Shore Public Service Company and the Pennsylvania Company for Insurances on Lives and Granting Annuities,

Petitioners,

489 vs.

The Town of Seaford.

On petition for writ of certiorari to the Supreme Court of the State of Delaware.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Delaware, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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ORDER OF ALLOTMENT OF JUSTICES.

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices of this Court among the Circuits, agreeably to the Acts of Congress in such cases made and provided, and that such allotment be entered of record, viz:

For the First Circuit, Louis D. Brandeis, Associate Justice.
For the Second Circuit, Harlan F. Stone, Associate Justice.
For the Third Circuit, Owen J. Roberts, Associate Justice.
For the Fourth Circuit, Charles Evans Hughes, Chief Justice.
For the Fifth Circuit, Hugo L. Black, Associate Justice.

For the Sixth Circuit, James C. McReynolds, Associate Justice.

For the Seventh Circuit, Felix Frankfurter, Associate Justice.

For the Eighth Circuit, Pierce Butler, Associate Justice.

For the Ninth Circuit, Stanley Reed, Associate Justice.

For the Tenth Circuit, Pierce Butler, Associate Justice.

For the District of Columbia, Charles Evans Hughes, Chief Justice.

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Ex Parte Mike Holchak, Petitioner. — On motion for leave to file petition for writ of habeas corpus.

—, Original.

THIS CAUSE came on to be heard on the motion for leave to file a petition for writ of habeas corpus and on the return to the rule to show cause thereupon issued, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion for leave to file a petition for writ of habeas corpus herein be, and the same is hereby, denied.

AND IT IS FURTHER ORDERED that the rule to show cause issued herein be, and the same is hereby, discharged.

Per Mr. Chief Justice Hughes.

The Maytag Company, Petitioner, vs. Hurley Machine Company and Electric Household Utilities Corporation. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

76

A motion for leave to file a petition for rehearing and petition for rehearing having been filed in this case;

Upon consideration thereof, IT IS ORDERED by this Court that the said motion for leave to file and petition for rehearing be, and the same are hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Maytag Company,

Petitioner,

77 vs.

Easy Washing Machine Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

A motion for leave to file a petition for rehearing and petition for rehearing having been filed in this case;

Upon consideration thereof, IT IS ORDERED by this Court that the said motion for leave to file and petition for rehearing be, and the same are hereby, granted.

AND IT IS FURTHER ORDERED that the order denying certiorari be, and the same is hereby, vacated; and that the petition for writ of certiorari herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

John H. Wilson,

Petitioner,

608 vs.

Frank J. W. Lanagan, Warden of the Massachusetts State Prison at Charlestown, Massachusetts.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John H. Wilson,
Petitioner,
608 vs.
Frank J. W. Lanagan, Warden of the Massachusetts State Prison at Charlestown, Massachusetts.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George Melendez,
Petitioner,
612 vs.
The State of California, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George Melendez,
Petitioner,
612 vs.
The State of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Montgomery Ward & Company, Inc.,

Petitioner,

603 vs.

The Toledo Pressed Steel Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following Nos. 166 and 167.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Frank Hague, Individually and as Mayor of Jersey City, et al., etc.,

Petitioners,

651 vs.

Committee for Industrial Organization, Steel Workers Organizing Committee of the Committee for Industrial Organization, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Frank Hague, Individually and as Mayor of Jersey City, et al.,

Petitioners,

651 vs.

Committee for Industrial Organization, et al.

O R D E R

The petition for writ of certiorari is granted. Proceedings for execution and enforcement of the decree of injunction entered herein are

stayed pending the hearing and determination of the cause. The cause is assigned for argument on Monday, February 27, 1939, after the cases heretofore specially set for that day.

Per Mr. Chief Justice Hughes.

Oliver L. Winkle,
Petitioner,
545 vs.
Orean E. Scott.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Max N. Koven,
Petitioner,
550 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edmund J. Donegan,
Petitioner,
551 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John A. Dilliard, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

553

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

R. A. Shillinglaw, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

555

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frances S. Ryan, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

556

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and

of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert T. Ervin, Jr., as Temporary Receiver of the Assets in Alabama of Compania Naviera "San Ricardo," S. A.,

Petitioner,

563 vs.

Luis Quintanilla, Charge D'Affaires Ad Interim of the Republic of Mexico, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Louis Feldman,

Petitioner,

566 vs.

The Pacific Mutual Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Thomas W. Cook,

Petitioner,

571 vs.

Jennie G. Lewis, C. C. Lewis, Frank P. Lewis, et al.

On petition for writ of certiorari to the Circuit Court, Kanawha County, State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Circuit Court, Kanawha County, State of West Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jacqueline Beland, et al.,
Petitioners,
572 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bertha Stein,
Petitioner,
575 vs.
John M. McGrath and William T. Cowin, as Trustees of the Prudence Company, Inc., etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel J. Tishman,

Petitioner,

576 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mutual Benefit Health and Accident Association,

Petitioner,

580 vs.

Lena Bowman.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

H. H. Henneford, T. S. Hedges and T. M. Jenner, Tax Commissioners of the State of Washington,

Petitioners,

392 vs.

The Pacific Telephone and Telegraph Company.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jenkins Petroleum Process Company,

Petitioner,

510 vs.

Sinclair Refining Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

O R D E R

The Court will take a recess from Monday, February 13, until Monday, February 27, next.

Commonwealth of Massachusetts,

Complainant,

—, Original vs.

State of Missouri, et al.

Returns to rule to show cause presented.

A. E. Lichtenstein, S. J. Heiman, and Warren Cash,

Petitioners,

631 vs.

Florida Dry Cleaning and Laundry Board, etc.

On petition for writ of certiorari to the Supreme Court of the State of Florida.

It appearing to the Court that counsel for the petitioners have filed a motion to dismiss the petition for certiorari in this cause;

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Hugh Pierre,

Petitioner,

142 vs.

State of Louisiana.

Argument continued by Mr. John E. Fleury for the Respondent and concluded by Mr. Maurice R. Woulfe for the Petitioner.

The United States of America and Interstate Commerce Commission,

Appellants,

432 vs.

Dan E. Maher, doing business as Interstate Busses.

Argued by Mr. Hugh B. Cox for the Appellants and by Mr. William L. Harrison for the Appellee.

A. B. Hale, as Chairman, and E. A. McColskey, et al., etc.,

Appellants,

418 vs.

Bimco Trading, Inc., et al.

Argument commenced by Mr. H. E. Carter for the Appellants and continued by Mr. Patrick C. Whitaker for the Appellants. The Court declined to hear further argument.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William H. King, It is ordered that John D. Rice, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Spalding Flannery, It is ordered that Stoddard M. Stevens, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond J. Compton, It is ordered that David R. Pokross, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert Grobstein, It is ordered that Max Wall, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Roy

Smith, It is ordered that Lewis M. Dabney, Jr., Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence W. Miles, It is ordered that Bradford S. Magill, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Bronz, It is ordered that Philip Dorfman, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Conder C. Henry, It is ordered that

Elick E. Norris, Esquire, of Washington,
District of Columbia;

Otto B. Roepke, Esquire, of Washington,
District of Columbia;

Samuel Bernstein, Esquire, of Washington,
District of Columbia;

Walter N. Palmquist, Esquire, of Washington,
District of Columbia; and

Harold B. Whitmore, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guy K. Bard, It is ordered that

Harry H. Frank, Esquire, of New Castle,
State of Pennsylvania;

Herbert S. Levy, Esquire, of Lancaster,
State of Pennsylvania; and

Thomas M. Kerrigan, Esquire, of Frackville,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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O R D E R

Pursuant to the Joint Resolution of Congress of June 22, 1938 (52 Stat. 943, Ch. 595) entitled "To authorize the acceptance of title to the dwelling house and property, the former residence of the late Justice Oliver Wendell Holmes, located at 1720 Eye Street Northwest, in the District of Columbia, and for other purposes", the Chief Justice announced the selection of the following Associate Justices of the Supreme Court to serve as members of the Committee constituted by said Joint Resolution:

Mr. Justice Stone,

Mr. Justice Roberts,

Mr. Justice Frankfurter.

Per Mr. Chief Justice Hughes.

The State of Texas,

Complainant,

10, Original vs.

The State of New Mexico, et al.

Motion as to costs submitted by Mr. H. Grady Chandler for the Complainant.

The State of Texas,

Complainant,

11, Original vs.

The State of Florida, et al.

Argument on the exceptions to the report of the Special Master commenced by Mr. William McCraw for the State of Texas; continued by Mr. Seth T. Cole for the State of New York; by Mr. George Couper Gibbs for the State of Florida; by Mr. Edward O. Proctor for the Commonwealth of Massachusetts; by Mr. Llewellyn B. Duke for the State of Texas; by Mr. Seth T. Cole for the State of New York; and concluded by Mr. Edgar G. Hamilton for the State of

Florida; and submitted by Mr. Harrison Tweed, Mr. Timothy N. Pfeiffer, Mr. Walter E. Hope and Mr. George W. Jaques for Wilks.

Denis J. Driscoll, Thomas C. Buchanan, et al.,

Appellants,

509 vs.

Edison Light and Power Company.

Argument commenced by Mr. Guy K. Bard for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that Southall R. Pfund, Esquire, of Fairbanks, Territory of Alaska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde T. Ellis, It is ordered that C. Alpheus Stanfield, Esquire, of Hot Springs, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. King, It is ordered that Owen G. Reichman, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Davis, It is ordered that

John Paschall Davis, Esquire, of New York,
State of New York;

John B. Coleman, Jr., Esquire, of New York,
State of New York; and

Marie Louise Suter, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Guy K. Bard, It is ordered that Harry Polikoff, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Franklin Clyde Baggarly, It is ordered that James H. Mickey, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harvey J. Gunderson, It is ordered that Ralph S. Rice, Esquire, of Sioux Falls, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nathan L. Miller, It is ordered that Redmond F. Mernan, Jr., Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Hoffman, It is ordered that Clifford N. Schuman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Denis J. Driscoll, Thomas C. Buchanan,
et al.,

Appellants,

509 vs.

Edison Light and Power Company.

Argument continued by Mr. Guy K. Bard and Mr. Edward Knuff for the Appellants, and concluded by Mr. Clarence W. Miles for the Appellee.

Milk Control Board of the Commonwealth of Pennsylvania,

Petitioner,

426 vs.

Eisenberg Farm Products.

Argued by Mr. Harry Polikoff for the Petitioner and by Mr. Thomas D. Caldwell for the Respondent.

Guaranty Trust Company of New York, as Trustee, etc.,

Petitioner,

384 vs.

Berryman Henwood, Trustee of St. Louis Southwestern Railway Company, et al.

Three hours allowed for oral argument.

Argument commenced by Mr. John W. Davis for the Petitioner and continued by Mr. A. H. Kiskaddon, for Respondent, Henwood, Trustee.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles M. Trammell, It is ordered that

Nanaita Antilotti, of Atlanta, State of Georgia; and

William J. Duiker, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George E. Strong, It is ordered that William Joseph Devine, Esquire, of Englewood, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Preston B. Kavanagh, It is ordered that A. Louis Flynn, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that Gov Hutchinson, Esquire, of Jacksonville, State

of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. F. Hobbs, It is ordered that Walter S. Smith, Esquire, of Birmingham, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guaranty Trust Company of New York, as Trustee, etc.,

Petitioner,

384 vs.

Berryman Henwood, Trustee of St. Louis Southwestern Railway Company, et al.

Argument continued by Mr. A. H. Kiskaddon for the Respondent, Henwood, Trustee; by Mr. George L. Buland for the Respondent, Southern Pacific Company; by Mr. Carleton S. Hadley for the Respondent, Henwood, Trustee; and concluded by Mr. Ralph M. Carson for the Petitioner.

Chemical Bank & Trust Company, as Trustee, etc.,

Petitioner,

495 vs.

Berryman Henwood, Trustee of St. Louis Southwestern Railway Company, Debtor, et al.

Argued by Mr. Alfred H. Phillips for the Petitioner and by Mr. Carleton S. Hadley for the Respondents.

Bethlehem Steel Company,

Petitioner,

590 vs.

Zurich General Accident & Liability Insurance Company, Limited; and

Bethlehem Steel Company,

Petitioner,

591 vs.

Anglo-Continentale Treuhand, A. G.,
et al.

Argument commenced by Mr. Frederick H. Wood for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Louis D. Brandeis,
Pierce Butler,
Harlán F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William H. King, It is ordered that Louis E. McArthur, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Murray, It is ordered that S. P. Wilson, Esquire, of Deer Lodge, State of Montana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that Paul H. Brinson, Esquire, of St. Petersburg, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh M. Morris, It is ordered that S. Samuel Arsht, Esquire, of Wilmington, State of Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John F. X. McGohey, It is ordered that John J. Bennett, Jr., Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Robert B. Honeyman,

Appellant,

465 vs.

David B. Jacobs and Mary V. Jacobs.

Submitted by Mr. Robert B. Honeyman for the Appellant and by Mr. John J. Bennett, Jr., Mr. Henry Epstein, Mr. John F. X. McGohey, and Mr. Benjamin Heffner for the Appellees.

Bethlehem Steel Company,

Petitioner,

590 vs.

Zurich General Accident & Liability Insurance Company, Limited; and

Bethlehem Steel Company,

Petitioner,

591 vs.

Anglo-Continentale Treuhand, A. G., et al.

Argument continued by Mr. Frederick H. Wood for the Petitioner; by Mr. Nathan L. Miller for the Respondent in No. 590; and concluded by Mr. Harry Hoffman for the Respondent in No. 591.

Eugene Kessler, District Director
of Immigration and Naturalization,

Petitioner,

330 vs.

Joseph George Strecker.

Argument commenced by Mr. Solicitor General Jackson for the Petitioner and continued by Mr. Whitney North Seymour for the Respondent.

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Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
Louis D. Brandeis,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts, Associate Justices.
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Orville Zimmerman, It is ordered that Dwight H. Brown, Esquire, of Jefferson City, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl E. Mapes, It is ordered that Robert C. C. Meaney, Esquire, of Grand Rapids, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Francis O'Brien, It is ordered that

John W. Arcari, Esquire, of Westbury, State of New York;

Edward A. Sullivan, Esquire, of New York, State of New York;

Edmund J. Roberts, Esquire, of New York, State of New York;

Harold J. McLaughlin, Esquire, of New York, State of New York;

Oscar A. Thompson, Esquire, of New York, State of New York;

George A. Garvey, Esquire, of New York, State of New York;

Raymond J. Scully, Esquire, of New York,
State of New York;

Vincent Paul O'Brien, Esquire, of New York,
State of New York;

Arthur A. Wilson, Jr., Esquire, of Rutherford,
State of New Jersey;

Anthony T. Antinozzi, Esquire, of Rye,
State of New York; and

James E. Turner, Esquire, of Brooklyn,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James A. Travis, It is ordered that

David Di Pirro, Esquire, of New York,
State of New York;

Joseph A. Mauro, Esquire, of Brooklyn,
State of New York;

William J. Magee, Esquire, of Brooklyn,
State of New York;

John O. Driscoll, Esquire, of Brooklyn,
State of New York;

Philip F. Di Costanzo, Esquire, of Brooklyn,
State of New York; and

Henry A. Piscella, Esquire, of Brooklyn,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Phil Dice Morelock, It is ordered that

Robert B. Caldwell, Esquire, of Kansas City,
State of Missouri; and

Fred G. Mancuso, Esquire, of Kansas City,
State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that James C. Getzen, Jr., Esquire, of Bushnell, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Interstate Circuit, Inc., Texas Consolidated Theatres, Inc., Karl Hoblitzelle, et al.,

Appellants,

269 vs.

The United States of America.

Appeal from the District Court of the United States for the Northern District of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Stone.

Mr. Justice Frankfurter took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds and Mr. Justice Butler join.

Paramount Pictures Distributing Company, Inc., Vitagraph, Inc., RKO-Radio Pictures, Inc., et al.,

Appellants,

270 vs.

The United States of America.

Appeal from the District Court of the United States for the Northern District of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Stone.

Mr. Justice Frankfurter took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds and Mr. Justice Butler join.

Public Service Commission of the State of Missouri, et al.,

Appellants,

605 vs.

Brashear Freight Lines, Inc., et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte J. L. Stewart,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Texas,

Complainant,

10, Original vs.

The State of New Mexico, et al.

ON CONSIDERATION of the motion of the Complainant to authorize and direct it to make a deposit for costs in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that Complainant deposit, and the Clerk of this Court accept from Complainant, a warrant drawn by the State of Texas for Sixteen Thousand Five Hundred ($16,500.00) Dollars; and the amount of said warrant, when collected, is to be held by the Clerk to be applied on the costs, if any, which may be adjudged against the Complainant in this case.

Per Mr. Chief Justice Hughes.

Evelyn Treinies,

Petitioner,

626 vs.

Sunshine Mining Company, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Chief Justice Hughes.

Evelyn Treinies,

Petitioner,

626 vs.

Sunshine Mining Company, Katherine Mason, T. R. Mason, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Ernest Verheul,

Petitioner,

609 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ernest Verheul,

Petitioner,

609 vs.

James A. Johnston, Warden, U. S. Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Horace L. Lohnes, Administrator, C. T. A.,

Petitioner,

633 vs.

William H. Webb, Administrator.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Horace L. Lohnes, Administrator, C. T. A.,

Petitioner,

633 vs.

William H. Webb, Administrator.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Manning Strewl, John Joseph Oley, Percy Geary, et al.,

Petitioners,

636 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied for the reason that the Court, upon examination of the papers herein submitted, finds that the application for writ of certiorari was not made within the time provided by law.

Per Mr. Chief Justice Hughes.

Manning Strewl, John Joseph Oley, Percy Geary, et al.,

Petitioners,

636 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Electrical Fittings Corporation, Joselson Sales Corporation, Samuel Joselson and Belle Joselson,

Petitioners,

582 vs.

The Thomas & Betts Co. and National Electrical Products Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

William V. Hartman,

Petitioner,

557 vs.

John E. Sloan, United States Marshal for the Western District of Pennsylvania.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

O. H. Carlisle,
Petitioner,
578 vs.
M. Frank Hammond, United States Marshal for the Southern District of Texas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Sallie Brown, in Her Own Right and as Administratrix, Estate of Robert N. Brown,
Petitioner,
559 vs.
New York Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Forest Glen Creamery Company,
Petitioner,
560 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

International - Great Northern Railroad Company, et al.,

Petitioners,

569 vs.

R. M. Hawthorne.

On petition for writ of certiorari to the Supreme Court of the State of Texas.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Texas, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Verser - Clay Company, Mid-Continent Crude Oil Purchasing Company, et al.,

Petitioners,

570 vs.

United States Securities and Exchange Commission.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Zero Church,

Petitioner,

574 vs.

J. B. Britton, R. B. Tyler & Company, State Highway Department and the County of Clarendon.

On petition for writ of certiorari to the Supreme Court of the State of South Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of South Carolina, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ezra Frend, George J. Cullinen, Robin Myers and James Lerner,

Petitioners,

577 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Pike Rapids Power Company,

Petitioner,

579 vs.

Minneapolis, St. Paul & Sault Ste. Marie Railway Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Pennsylvania Railroad Company,

Petitioner,

583 vs.

Annie L. Tobin.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, on the Relation of John W. Cromwell,

Petitioner,

588 vs.

Marion Wade Doyle, President, Board of Education, District of Columbia, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Sheppard Potts,

Petitioner,

513 vs.

Norman L. Flippen, Administrator, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Minneapolis, St. Paul & Sault Ste Marie Railway Company,

Petitioner,

519 vs.

The Pike Rapids Power Company.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R

The revision of the Rules of this Court has been this day lodged with the Clerk, and

IT IS ORDERED that the said Rules shall become effective February 27, 1939, and be printed as an appendix to Volume 306 of the United

States Reports.

IT IS FURTHER ORDERED that the Rules promulgated June 5, 1928, appearing in Volume 275, United States Reports, appendix, and all amendments thereof are rescinded, but this shall not affect any proper action taken under them before the Rules hereby adopted become effective.

Per Mr. Chief Justice Hughes.

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Revised Rules of the Supreme Court of the United States.

Adopted February 13, 1939. Effective February 27, 1939.

(The Acts of February 13, 1925, c. 229, 43 Stat. 936, January 31, 1928, c. 14, 45 Stat. 54, April 26, 1928, c. 440, 45 Stat. 466, and August 24, 1937, c. 754, 50 Stat. 751, are printed in an Appendix.)

1.

CLERK.

1. The clerk of this court shall reside and keep the office at the seat of the National Government, and he shall not practice as attorney or counsellor in any court, while he continues in office.

2. The clerk shall not permit any original record or paper to be taken from the office without an order from the court or one of the justices, except as provided by Rule 13, paragraph 4.

2.

ATTORNEYS AND COUNSELLORS.

1. It shall be requisite to the admission of attorneys or counsellors to practice in this court, that they shall have been such for three years past in the highest court of a State, Territory, District, or Insular Possession, and that their private and professional characters shall appear to be good.

2. Not less than two weeks in advance of application for admission, each applicant shall file with the clerk (1) a certificate from the presiding judge or clerk of the proper court showing that he possesses the foregoing qualifications, (2) his personal statement under oath setting out the date and place of his birth, the names of his parents, his place of residence and office address, the courts of last resort to which he has been admitted, the places where he has been a practitioner, and, if he is not a native born citizen, the date and place of his naturalization, and information respecting any

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2. When process at common law or in equity shall issue against a State, the same shall be served on the governor, or chief executive magistrate, and attorney general, of such State.

3. Process of subpœna, issuing out of this court, in any suit in equity, shall be served on the defendant sixty days before the return day of such process; and if the defendant, on such service of the subpœna, shall not appear at the return day, the complainant shall be at liberty to proceed *ex parte*.

7.

MOTIONS—INCLUDING THOSE TO DISMISS OR AFFIRM—SUMMARY DOCKET—MOTION DAY.

1. Every motion to the court shall be printed, and shall state clearly its object and the facts on which it is based.

2. Oral argument will not be heard on any motion unless the court specially assigns it therefor, when not exceeding one-half hour on each side will be allowed.

3. No motion by respondent to dismiss a petition for writ of certiorari will be received. Objections to the jurisdiction of the court to grant writs of certiorari may be included in briefs in opposition to petitions therefor.

A motion by appellee to dismiss an appeal will be received in advance of the court's ruling upon the jurisdictional statements only when presented in the manner provided by Rule 12, paragraph 3. When such a motion is made, the appellant shall have 20 days after service upon him within which to file in this court 40 printed copies of a brief opposing the motion, except that where his counsel resides in California, Oregon, Washington, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, or an outlying possession, the time shall be 25 days.

A motion by respondent to dismiss a writ of certiorari or by appellee to dismiss an appeal, after the court has ruled upon the jurisdictional statements and accompanying motions, if any, (Rule 12, par. 5), will be received if

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not based upon grounds already advanced in opposition to the granting of the writ of certiorari or to the noting of jurisdiction of the appeal. Such motions, together with motions to dismiss certificates in case of questions certified, must be printed and 40 copies thereof must be filed with the clerk, accompanied by proof that a copy of the motion, and accompanying brief, if any, have been served upon counsel of record for the opposing party. The opposing party shall have 20 days from the date of such service within which to file a printed brief opposing the motion. When counsel for the opposing party resides in California, Oregon, Washington, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, or an outlying possession, the time shall be 25 days. Upon the filing of the opposing brief, or the expiration of the time allowed therefor, or express waiver of the right to file, the motion and briefs thereon shall be distributed by the clerk to the court for its consideration.

The pendency of a motion to dismiss or affirm shall not preclude the placing of the cause upon the calendar of the court for oral argument or its being called for argument when reached.

4. The court will receive a motion to affirm on the ground that it is manifest that the appeal was taken for delay only, or that the questions on which the decision of the cause depends are so unsubstantial as not to need further argument. The procedure provided in paragraph 3 of this rule for motions to dismiss shall apply to and control motions to affirm. A motion to affirm may be united in the alternative with a motion to dismiss.

5. Although the court upon consideration of a motion to dismiss or a motion to affirm may refuse to grant the motion, it may, if it concludes that the case is of such a character as not to justify extended argument, order the cause transferred for hearing to the summary docket. The hearing of causes on such docket will be expedited from time to time as the regular order of business may permit. A cause may be transferred to the summary

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docket on application, or on the court's own motion. (See Rule 28, par. 3 and 6.)

6. Monday of each week, when the court is in session, shall be motion day; and motions specially assigned for oral argument shall be entitled to preference over other cases.

8.

BILLS OF EXCEPTION—CHARGE TO JURY—OMISSION OF UNNECESSARY EVIDENCE.

The judges of the district courts in allowing bills of exception shall give effect to the following rules:

1. No bill of exceptions shall be allowed on a general exception to the charge of the court to the jury in trials at common law. The party excepting shall be required before the jury retires to state distinctly the several matters of law in such charge to which he excepts; and no other exceptions to the charge shall be allowed by the court or inserted in a bill of exceptions.

2. Only so much of the evidence shall be embraced in a bill of exceptions as may be necessary to present clearly the questions of law involved in the rulings to which exceptions are reserved, and such evidence as is embraced therein may be set forth in full or in condensed and narrative form.

See Rules of Civil Procedure 46, 51, 75, 76, and 81.

9.

ASSIGNMENT OF ERRORS.

Where an appeal is taken to this court from any court, the appellant shall file with the clerk of the court below, with his petition for appeal, an assignment of errors, which shall set out separately and particularly each error asserted. No appeal shall be allowed unless such an assignment of errors shall accompany the petition. (See Rule 36.)

10.

APPEAL—CITATION—RECORD—DESIGNATION OF PARTS TO BE INCLUDED IN TRANSCRIPT.

1. When an appeal is allowed a citation to the appellee shall be signed by the judge or justice allowing the appeal

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and shall be made returnable not exceeding forty days from the day of signing the citation, whether the return day fall in vacation or in term time, except in appeals from California, Oregon, Washington, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming and Montana, when the time shall be sixty days. The citation must be served before the return day.

2. The clerk of the court from which an appeal to this court may be allowed, shall make and transmit to this court under his hand and the seal of the court a true copy of the material parts of the record, always including the assignment of errors, and any opinions delivered in the case. The papers comprising the transcript shall be fastened together in one or more volumes of convenient size, paged consecutively and indexed.

To enable the clerk to perform such duty and for the purpose of reducing the size of transcripts and eliminating all papers not necessary to the consideration of the questions to be reviewed, it shall be the duty of the appellant, or his counsel, to file with the clerk of the lower court, promptly after an appeal is taken, together with proof or acknowledgment of service of a copy on the appellee, or his counsel, a praecipe indicating the portions of the record to be incorporated into the transcript. Within ten days thereafter (unless the time be enlarged by a judge of the lower court or a justice of this court), any other party to the appeal may serve and file a designation of additional portions of the record desired to be included. Sections (c), (e), and (h) of Rule 75 and Rule 76 of the Rules of Civil Procedure are incorporated herein by reference and are made applicable to an appeal to this court from a federal district court.

The clerk of the lower court shall transmit to this court as the transcript of the record only the portions of the record covered by such designations.

The parties or their counsel may by written stipulation filed with the clerk of the lower court indicate the portions of the record to be included in the transcript, and the clerk

shall then transmit only the parts designated in such stipulation.

In all cases the clerk shall include in the transcript all papers filed under authority of Rule 12. (See Rule 12, par. 4.)

If this court shall find that any portion of the record unnecessary to a proper presentation of the case has been incorporated into the transcript at the instance of either party, the whole or any part of the cost of printing and the clerk's fee for supervising the printing may be ordered to be paid by the offending party.

3. No case will be heard until a record, containing in itself, and not by reference, all the papers, exhibits, depositions, and other proceedings which are necessary to the hearing, shall be filed.

4. Whenever it shall be necessary or proper, in the opinion of the presiding judge in the court from which the appeal is taken that original papers of any kind should be inspected in this court, such presiding judge may make such rule or order for the safe-keeping, transporting, and return of such original papers as to him may seem proper, and this court will receive and consider such original papers along with the usual transcript.

5. The record in cases of admiralty and maritime jurisdiction, when under the requirements of law the facts have been found in the court below, and the power of review is limited to the determination of questions of law arising on the record, shall be confined to the pleadings, findings of fact and conclusions of law thereon, opinions of the court, final judgment or decree, and such interlocutory orders and decrees as may be necessary to a proper determination of such questions.

11.

DOCKETING CASES.

1. It shall be the duty of the appellant to docket the case and file the record thereof with the clerk of this court

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before the return day, whether in vacation or in term
But, for good cause shown, the justice or judge who
the citation, or any justice of this court, may en-
the time, before its expiration, the order of enlarge-
to be filed with the clerk of this court. If the appel-
hall fail to comply with this rule, the appellee may
the cause docketed and the appeal dismissed upon
cing a certificate, whether in term or vacation, from
erk of the court wherein the judgment or decree was
red, stating the case and certifying that such appeal
en duly allowed. And in no case shall the appellant
itled to docket the cause and file the record after the
shall have been dismissed under this rule, unless by
leave of the court.

But the appellee may, at his option, docket the case
le a copy of the record with the clerk of this court;
the case is docketed and a copy of the record filed
e appellant within the period of time prescribed by
ule, or by the appellee within forty days thereafter,
se shall stand for argument.

Upon the filing of the record brought up by appeal,
opearance of the counsel for the party docketing the
hall be entered.

12.

JURISDICTIONAL STATEMENTS.

Upon the presentation of a petition for the allowance
appeal to this court, from any court, to any judge or
e empowered by law to allow it, there shall be pre-
d by the applicant a separate typewritten statement
cularly disclosing the basis upon which it is contended
his court has jurisdiction upon appeal to review the
nent or decree in question. The statement shall refer
ctly (a) to the statutory provision believed to sustain
risdiction, (b) to the statute of the state, or statute or
of the United States, the validity of which is involved
ng the volume and page where the statute or treaty
e found in the official edition), setting it out verbatim

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or appropriately summarizing its pertinent provisions; and (c) to the date of judgment or decree sought to be reviewed and the date upon which the application for appeal is presented.

The statement shall show that the nature of the case and of the rulings of the court was such as to bring the case within the jurisdictional provisions relied on and shall cite the cases believed to sustain the jurisdiction.

If the appeal is from a state court the statement shall include a statement of the grounds upon which it is contended the questions involved are substantial (*Zucht* v. *King*, 260 U. S. 174, 176, 177); specify the stage in the proceedings in the court of first instance, and in the appellate court, at which, and the manner in which, the federal questions sought to be reviewed were raised; the method of raising them (e. g., by a pleading, by request to charge and exceptions, by assignment of error); and the way in which they were passed upon by the court; with such pertinent quotations of specific portions of the record, or summary thereof, with specific reference to the places in the record where the matter appears, (e. g., ruling on exception, portion of the court's charge and exception thereto, assignment of error) as will support the assertion that the rulings of the court were of a nature to bring the case within the statutory provision believed to confer jurisdiction on this court. The provisions of this paragraph, with appropriate record page references, must be complied with when review of a state court judgment is sought by petition for writ of certiorari. (See Rule 38, par. 2.)

The applicant shall append to the statement a copy of any opinions delivered upon the rendering of the judgment or decree sought to be reviewed, including earlier opinions in the same case, or opinions in companion cases, reference to which may be necessary to ascertain the grounds of the judgment or decree.

If the appeal is from an interlocutory decree of a specially constituted district court of the United States, the statement must also include a showing of the matters in which it is claimed that the court has abused its discretion

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in granting or denying the interlocutory injunction. (*Alabama* v. *United States*, 279 U. S 229.)

2. If the appeal is allowed, the appellant shall serve upon the appellee within 5 days after such allowance (a) a copy of the petition for and order allowing the appeal, together with a copy of the assignments of error and of the statement required by paragraph 1 of this rule, and (b) a statement directing attention to the provisions of paragraph 3 of this rule. Proof of service of the papers required by this paragraph to be served shall be filed forthwith with the clerk of the court possessed of the record, and shall be incorporated by him in the transcript of record prepared for this court upon the appeal.

3. Within 15 days after such service the appellee may file with the clerk of the court possessed of the record, and serve upon the appellant, a typewritten statement disclosing any matter or ground making against the jurisdiction of this court asserted by the appellant. There may be included in, or filed with, such opposing statement, a motion by appellee to dismiss or affirm. Where such a motion is made, it may be opposed as provided in Rule 7, paragraph 3.

4. The clerk of the court possessed of the record shall include the statements and motions, required and permitted to be filed under the provisions of this rule, in the transcript of record prepared for the use of this court on the appeal, anything in the praecipes or stipulations of the parties (Rule 10, par. 2) to the contrary notwithstanding.

5. After the case shall have been docketed in this court by the appellant, and the transcript of record filed (Rule 11, par. 1), the clerk of this court shall forthwith print the appellant's statement required by paragraph 1 of this rule and the opposing statement, and motions, if any, permitted by paragraph 3 of this rule, and the clerk shall thereupon distribute such printed papers to the court for its consideration.

At the time of docketing the case the appellant shall make such cash deposit with the clerk, in addition to such deposit as may be required under Rule 13, paragraph 1, as

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shall be necessary to defray the cost of printing 40 copies of his statement filed pursuant to paragraph 1 of this rule; and the appellee, upon demand, shall forthwith deposit with the clerk a sum sufficient to cover the cost of printing 40 copies of any statement or motions filed under paragraph 3 of this rule.

6. If either appellant or appellee fails to comply with the provisions of this rule, the clerk of this court shall report such failure to the court immediately so that this court may take such action as it deems proper.

13.

PRINTING RECORDS—DESIGNATION OF POINTS INTENDED TO BE RELIED UPON AND OF PARTS OF RECORD TO BE PRINTED.

1. In all cases the appellant, on docketing a case and filing the record, shall make such cash deposit with the clerk for the payment of his fees as he may require, or otherwise satisfy him in that behalf.

2. Immediately after the designation of the parts of the record to be printed or the expiration of the time allotted therefor (see par. 9 of this rule), the clerk shall make an estimate of the cost of printing the record, his fee for preparing it for the printer and supervising the printing, and other probable fees, and shall furnish the same to the party docketing the case. If such estimated sum be not paid on or before a date designated by the clerk of this court in each case, it shall be the duty of the clerk to report that fact to the court, whereupon the cause will be dismissed, unless good cause to the contrary is shown.

3. Upon payment of the amount estimated by the clerk, thirty copies of the record shall be printed, under his supervision, for the use of the court and of counsel.

4. In cases of appellate jurisdiction the original transcript on file shall be delivered by the clerk to the printer. But the clerk shall cause copies to be made for the printer of such original papers, sent up under Rule 10, paragraph 4,

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as are necessary to be printed; and of the whole record in cases of original jurisdiction.

5. The clerk shall supervise the printing, and see that the printed copy is properly indexed. He shall distribute the printed copies to the justices and the reporter, from time to time, as required, and a copy to the counsel for the respective parties. He shall also deposit in the law library of Congress to be there carefully preserved, one copy of the printed record in every case submitted to the court for its consideration, and of all printed motions and briefs therein.

6. If the actual cost of printing the record, together with the fees of the clerk, shall be less than the amount estimated and paid, the difference shall be refunded by the clerk to the party paying it. If the actual cost and clerk's fees shall exceed the estimate, the excess shall be paid to the clerk within forty days after notice thereof, and if it be not paid the matter shall be dealt with as if it were a default under paragraph 2 of this rule, as well as by rendering a judgment against the defaulting party for such excess.

7. In case of reversal, affirmance, or dismissal, with costs, the cost of printing the record and the clerk's fees shall be taxed against the party against whom costs are given, and shall be inserted in the body of the mandate or other process.

8. Upon the clerk's producing satisfactory evidence, by affidavit or the acknowledgment of a party or his surety, of having served on such party or surety a copy of the bill of fees due by him in this court, and showing that payment has not been made, an attachment shall issue against such party or surety to compel payment of such fees.

9. When the record is filed, or within fifteen days thereafter, the appellant shall file with the clerk a definite statement of the points on which he intends to rely and a designation of the parts of the record which he thinks necessary for the consideration thereof or a designation of those parts considered unnecessary, whichever is more convenient, with proof of service of the same on the adverse party. The

adverse party, within ten days after service of the statement and designation required to be filed by appellant may designate in writing, filed with the clerk, additional parts of the record which he thinks material; and, if he shall not do so, he shall be held to have consented to a hearing on the parts designated by the appellant. The parts of the record so designated by one or both of the parties, and only those parts, shall be printed by the clerk. The statement of points intended to be relied upon and the designations of the parts of the record to be printed shall be printed by the clerk with the record. He shall, however, omit all duplication, all repetition of titles and all other obviously unimportant matter, and make proper note thereof. The court will consider nothing but the points of law so stated. If at the hearing it shall appear that any material part of the record has not been printed, the appeal may be dismissed or such other order made as the circumstances may appear to the court to require. If either party shall have caused unnecessary parts of the record to be printed, such order as to costs may be made as the court shall think proper.

The fees of the clerk under Rule 32, paragraph 6, shall be computed on the folios in the record as filed, and shall be in full for the performance of his duties in that regard.

14.

TRANSLATIONS.

Whenever any record transmitted to this court upon appeal shall contain any document, paper, testimony, or other proceedings in a foreign language, without a translation of such document, paper, testimony, or other proceedings, made under the authority of the lower court, or admitted to be correct, the case shall be reported by the clerk, to the end that this court may order that a translation be supplied and printed with the record.

15.

FURTHER PROOF.

1. In all cases where further proof is ordered by this court, the depositions which may be taken shall be by a

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mmission, to be issued from this court, or from any dis-
t court of the United States.

2. In all cases of admiralty and maritime jurisdiction,
ere new evidence shall be admissible in this court, the
dence by testimony of witnesses shall be taken under a
mmission to be issued from this court, or from any dis-
t court of the United States, under the direction of any
lge thereof; and no such commission shall issue but
on interrogatories, to be filed by the party applying for
commission, and notice to the opposite party or his
ent or attorney, accompanied with a copy of the inter-
gatories so filed, requiring him to file cross-interroga-
ies within twenty days from the service of such notice.

16.

OBJECTIONS TO EVIDENCE IN THE RECORD.

In all cases of equity or admiralty jurisdiction, heard
this court, no objection to the admissibility of any deposi-
n, deed, grant, or other exhibit found in the record as
dence shall be entertained, unless such objection was
ken in the court below and entered of record. Where
jection was not so taken the evidence shall be deemed to
ve been admitted by consent.

17.

CERTIORARI TO CORRECT DIMINUTION OF RECORD.

No *certiorari* to correct diminution of the record will be
arded in any case, unless a printed motion therefor
all be made, and the facts on which the same is founded
all be shown, if not admitted by the other party, by
idavit. All such motions must be made not later than
e first motion day after the expiration of sixty days
om the printing of the record, unless for special cause
own the court receives the motion at a later time.

18.

MODELS, DIAGRAMS, AND EXHIBITS OF MATERIAL.

1. Models, diagrams, and exhibits of material forming
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court for its inspection, shall be placed in the custody of the marshal at least one week before the case is heard or submitted.

2. All such models, diagrams, and exhibits of material, placed in the custody of the marshal must be taken away by the parties within forty days after the case is decided. When this is not done, it shall be the duty of the marshal to notify counsel to remove the articles forthwith; and if they are not removed within a reasonable time after such notice, the marshal shall destroy them, or make such other disposition of them as to him may seem best.

19.

DEATH OF PARTY—REVIVOR—SUBSTITUTION.

1. Whenever, pending an appeal or writ of certiorari in this court, either party shall die, the proper representative in the personalty or realty of the deceased, according to the nature of the case, may voluntarily come in and be admitted as a party to the suit, and thereupon the case shall be heard and determined as in other cases; and if such representative, shall not voluntarily become a party, the other party may suggest the death on the record, and on motion obtain an order that, unless such representative shall become a party within a designated time, the party moving for such order, if appellee or respondent, shall be entitled to have the appeal or writ of certiorari dismissed; and if the party so moving be appellant or petitioner he shall be entitled to open the record, and on hearing have the judgment or decree reversed, if it be erroneous: Provided, That a copy of every such order shall be printed in some newspaper of general circulation within the State, Territory, District or Insular Possession, in which the case originated, for three successive weeks, at least sixty days before the expiration of the time designated for the representative of the deceased party to appear.

2. When the death of a party is suggested, and the representative of the deceased does not appear by the second day of the term next succeeding the suggestion, and no

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measures are taken by the opposite party within that time to compel their appearance, the case shall abate.

3. When either party to a suit in a court of the United States shall desire to prosecute an appeal or writ of certiorari to this court from any final judgment or decree, rendered in that court, and at the time of applying for such appeal or writ of certiorari the other party to the suit shall be dead and have no proper representative within the jurisdiction of that court, so that the suit can not be revived in that court, but shall have a proper representative in some State, Territory or District of the United States, the party desiring such appeal or writ of certiorari may procure the same, if otherwise entitled thereto, and may have proceedings on such judgment or decree superseded or stayed in the manner allowed by law and shall thereupon proceed with such appeal or writ of certiorari as in other cases. And within thirty days after the time when such appeal or writ of certiorari is returnable, or if the court be not then in session within ten days after it next convenes, the appellant or petitioner shall make a suggestion to the court, supported by affidavit, that such party was dead when the appeal or writ of certiorari was allowed, and had no proper representative within the jurisdiction of the court which rendered such judgment or decree, so that the suit could not be revived in that court, and that such deceased party had a proper representative in some State, Territory or District of the United States—giving the name and character of such representative, and his place of residence; and, upon such suggestion and a motion therefor, an order may be obtained that, unless such representative shall make himself a party within a designated time the appellant or petitioner shall be entitled to open the record, and, on hearing have the judgment or decree reversed, if the same be erroneous: Provided, That a proper citation reciting the substance of such order shall be served upon such representative, either personally or by being left at his residence, at least sixty days before the expiration of the time designated: And provided, also, That in every such case if the representative of the deceased party does not appear by the

second day of the term next succeeding said suggestion, and the measures above provided to compel his appearance have not been taken as above required, by the opposite party, the case shall abate: And provided, also, That the representative may at any time before or after the suggestion, but before such abatement, come in and be made a party and thereupon the case shall be heard and determined as in other cases.

4. Where a public officer, by or against whom a suit is brought, dies or ceases to hold the office while the suit is pending in a federal court, either of first instance or appellate, the matter of abatement and substitution is covered by section 11 of the Act of February 13, 1925. Under that section a substitution of the successor in office may be effected only where a satisfactory showing is made within six months after the death or separation from office.

(a) When the court is in vacation the motion papers may be filed with the clerk but must be presented to the court promptly after it reconvenes.

20.

CALL AND ORDER OF THE DOCKET—MOTIONS TO ADVANCE.

1. Unless it otherwise orders, the court, on the second Monday of each term, will commence calling the cases for argument in the order in which they stand on the docket, and proceed from day to day during the term in the same order (except as hereinafter provided); and if the parties, or either of them, shall be ready when the case is called, the same will be heard; and if neither party shall be ready to proceed with the argument, the case shall be continued to the next term or otherwise dealt with as provided in these rules.

2. Ten cases only shall be subject to call on each day during the term. But on the coming in of the court on each day the entire number of such ten cases will be called, with a view to the disposition of such of them as are not to be argued.

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3. All motions to advance cases must be printed, and must contain a brief statement of the matter involved, with the reasons supporting the motion.

4. Criminal cases may be advanced by leave of the court on motion of either party.

5. Cases once adjudicated by this court upon the merits, and again brought up, may be advanced by leave of the court.

6. Revenue and other cases in which the United States is concerned, which also involve or affect some matter of general public interest, or which may be entitled to precedence under the provisions of any act of Congress, may be advanced by leave of the court on motion of the Attorney General.

7. Other cases may be advanced for special cause shown. When a case is advanced, under this or any other paragraph, it will be subject to hearing with any other case subsequently advanced and involving a like question, as if they were one case.

8. Two or more cases, involving the same question, may, by order of the court, be heard together, and argued as one case or on such terms as may be prescribed.

9. If, after a case has been continued under paragraph 1 of this rule, both parties desire to have it heard at the term of the continuance, they may file with the clerk their joint request to that effect accompanied by their affidavits or those of their counsel giving the reasons why they failed to present their argument when the case was called and why it should be reinstated. Such a request will be granted only when it appears to the court that there was good reason for the previous failure to proceed and that the request can be granted without prejudice to parties in other cases coming on regularly for hearing.

10. No stipulation to pass a case will be recognized as binding upon the court. A case can only be so passed upon application made and leave granted in open court.

11. Cases on the summary docket will be heard specially as provided in paragraph 5 of Rule 7.

21.

NO APPEARANCE OF APPELLANT OR PETITIONER.

Where no counsel appears and no brief has been filed for the appellant or petitioner when the case is called for hearing, the adverse party may have the appellant or petitioner called and the appeal or writ of certiorari dismissed, or may open the record and pray for an affirmance.

22.

NO APPEARANCE OF APPELLEE OR RESPONDENT.

Where the appellee or respondent fails to appear when the case is called for hearing, the court may hear argument on behalf of the party appearing and give judgment according to the right of the case.

23.

NO APPEARANCE OF EITHER PARTY.

When a case is reached in the regular call, and there is no brief or appearance for either party, the case shall be dismissed at the cost of the appellant or petitioner.

24.

NEITHER PARTY READY AT SECOND TERM.

When a case is called for argument at two successive terms, and upon the call at the second term neither party is prepared to argue it, it shall be dismissed at the cost of the appellant or petitioner, unless strong cause is shown for further postponement.

25.

SUBMISSION ON BRIEFS BY ONE OR BOTH PARTIES WITHOUT ORAL ARGUMENT.

1. Any case may be submitted on printed briefs regardless of its place on the docket, if the counsel on both sides choose to submit the same in that manner, before the first Monday in May of any term. After that date cases may be submitted on briefs alone only as they are reached on the regular call.

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2. When a case is reached on the regular call, if a nted brief has been filed for only one of the parties and counsel appears to present oral argument for either rty, the case will be regarded as submitted on that brief.

3. When a case is reached on the regular call and argued lly in behalf of only one of the parties, no brief for the posite party will be received after the oral argument gins, except as provided in the next paragraph of this e.

4. No brief will be received through the clerk or other- se after a case has been argued or submitted, except upon cial leave granted in open court after notice to opposing nsel.

26.

FORM OF PRINTED RECORDS, PETITIONS, BRIEFS, ETC.

All records, petitions, motions and briefs, printed for the of the court must be in such form and size that they be conveniently bound together, so as to make an dinary octavo volume, having pages 6⅛ by 9¼ inches and e matter 4⅛ by 7⅛ inches, except that records in pat- cases may be printed in such size as is necessary to lize copies of patent documents. They and all quotations ntained therein, and the matter appearing on the covers, st be printed in clear type (never smaller than small a or 11-point type) adequately leaded; and the paper st be opaque and unglazed. The clerk shall refuse to eive any petition, motion or brief which has been printed herwise than in substantial conformity to this rule.

27.

BRIEFS.

1. The counsel for appellant or petitioner shall file with clerk, at least three weeks before the case is called for aring, forty copies of a printed brief.

2. This brief shall be printed as prescribed in Rule 26 l shall contain in the order here indicated—

(a) A subject index of the matter in the brief, with page references, and a table of the cases (alphabetically arranged), text books and statutes cited, with references to the pages where they are cited.

(b) A reference to the official report of the opinions delivered in the courts below, if there were such and they have been reported.

(c) A concise statement of the grounds on which the jurisdiction of this court is invoked.

(d) A concise statement of the case containing all that is material to the consideration of the questions presented, with appropriate page references to the printed record, e. g., (R. 12).

(e) A specification of such of the assigned errors as are intended to be urged. (See Rule 38, par. 2.)

(f) The argument (preferably preceded by a summary) exhibiting clearly the points of fact and of law being presented, citing the authorities and statutes relied upon, and quoting the relevant parts of such statutes, federal and state, as are deemed to have an important bearing. If the statutes are long they should be set out in an appendix.

3. Whenever, in the brief of any party, a reference is made to the record, it must be accompanied by the record page number. When the reference is to a part of the evidence, the page citation must be specific and if the reference is to an exhibit both the page number at which the exhibit appears and at which it was offered in evidence must be indicated.

4. The counsel for an appellee or respondent shall file with the clerk forty printed copies of his brief, at least one week before the case is called for hearing—such brief to be of like character with that required of the other party, except that no specification of errors need be given, and that no statement of the case need be made beyond what may be deemed necessary in correcting any inaccuracy or omission in the statement of the other side.

5. Reply briefs will be received up to the time the case is called for hearing.

IS FURTHER ORDERED that the Rules promulgated June 5, 1928,
e 275, United States Reports, appendix, and all amendments
dded, but this shall not affect any proper action taken under
les hereby adopted become effective.

Per Mr. Chief Justice Hughes.

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. When there is no assignment of errors, counsel will
be heard, except at the request of the court; and errors
specified according to this rule will be disregarded, save
the court, at its option, may notice a plain error not as-
ned or specified.

. When, under this rule, an appellant or petitioner is
default, the court may dismiss the cause; and when an
pellee or respondent is in default, the court may decline
hear oral argument in his behalf.

. No brief, required by this rule, shall be filed by the
rk unless the same shall be accompanied by satisfactory
oof of service upon counsel for the adverse party.

. A brief of an *amicus curiae* may be filed when accom-
nied by written consent of all parties to the case, except
t consent need not be had when the brief is presented by
United States or an officer or agency thereof and spon-
ed by the Solicitor General, or by a State or a political
division thereof. Such brief must bear the name of a
mber of the bar of this court.

25.

ORAL ARGUMENT.

. The appellant or petitioner shall be entitled to open
d conclude the argument. But when there are cross-
peals or cross-writs of certiorari they shall be argued to-
ther as one case, and the plaintiff in the court below shall
entitled to open and conclude the argument.

. When no oral argument is made for one of the par-
s, only one counsel will be heard for the adverse party.

. Two counsel, and no more, will be heard for each
rty, save that in cases on the summary docket (see Rule
par. 5) only one counsel will be heard on the same side.

. In cases on the regular docket (except where ques-
ns have been certified) one hour on each side, and no
ore, will be allowed for the argument, unless more time
granted before the argument begins. The time allowed
y be apportioned between counsel on the same side, at

their discretion; but a fair opening of the case shall be made by the party having the opening and closing.

5. In cases where questions have been certified to this court three-quarters of an hour shall be allowed to each side for oral argument.

6. In cases on the summary docket one half hour on each side, and no more, will be allowed for the argument.

29.

OPINIONS OF THE COURT.

1. All opinions of the court shall be handed to the clerk immediately upon the delivery thereof. He shall cause the same to be printed and shall deliver a copy to the reporter.

2. The original opinions shall be filed by the clerk for preservation.

3. Opinions printed under the supervision of the justices delivering the same need not be copied by the clerk into a book of records; but at the end of each term he shall cause them to be bound in a substantial manner, and when so bound they shall be deemed to have been recorded.

30.

INTEREST AND DAMAGES.

1. Where judgments for the payment of money are affirmed, and interest is properly allowable, it shall be calculated from the date of the judgment below until the same is paid, at the same rate that similar judgments bear interest in the courts of the State where such judgment was rendered.

2. In all cases where an appeal delays proceedings on the judgment of the lower court, and appears to have been sued out merely for delay, damages at a rate not exceeding 10 per cent., in addition to interest, may be awarded upon the amount of the judgment.

3. Paragraphs 1 and 2 of this rule shall be applicable to decrees for the payment of money in cases in equity, unless otherwise specially ordered by this court.

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IT IS FURTHER ORDERED that the Rules promulgated June 5, 1928, g in Volume 275, United States Reports, appendix, and all amendments are rescinded, but this shall not affect any proper action taken under ore the Rules hereby adopted become effective.

Per Mr. Chief Justice Hughes.

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4. In cases in admiralty, damages and interest may be allowed only if specially directed by the court.

31.

PROCEDENDO TO ISSUE ON DISMISSAL.

In all cases of the dismissal of any appeal or writ of certiorari in this court, the clerk shall issue a mandate, or other proper process, in the nature of a *procedendo*, to the court below, so that further proceedings may be had in such court as to law and justice may appertain. See Rules 34 and 35.

32.

COSTS.

1. In all cases where any appeal or writ of certiorari shall be dismissed in this court, costs shall be allowed to the appellee or respondent unless otherwise agreed by the parties, except where the dismissal shall be for want of jurisdiction, when only the costs incident to the motion to dismiss shall be allowed.

2. In all cases of affirmance of any judgment or decree by this court, costs shall be allowed to the appellee or respondent unless otherwise ordered by the court.

3. In cases of reversal of any judgment or decree by this court, costs shall be allowed to the appellant or petitioner, unless otherwise ordered by the court. The cost of the transcript of the record from the court below shall be a part of such costs, and be taxable in that court as costs in the case.

4. In cases where questions have been certified costs shall be equally divided unless otherwise ordered by the court, but where the entire record has been sent up (Rule 37, par. 2), and a decision is rendered on the whole matter in controversy, costs shall be allowed as provided in paragraphs 2 and 3 of this rule.

5. No costs shall be allowed in this court either for or against the United States or an officer or agency thereof, except where specially authorized by statute and directed by the court.

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6. When costs are allowed in this court, it shall be the duty of the clerk to insert the amount thereof in the body of the mandate, or other proper process, sent to the court below, and annex to the same the bill of items taxed in detail.

7. In pursuance of the Act of March 3, 1883, authorizing and empowering this court to prepare a table of fees to be charged by the clerk of this court the following table is adopted:

For docketing a case and filing and indorsing the transcript of the record, ten dollars.

For entering an appearance, twenty-five cents.

For entering a continuance, twenty-five cents.

For filing a motion, order, or other paper, twenty-five cents.

For entering any rule or for making or copying any record or other paper, twenty cents per folio of each one hundred words.

For transferring each case to a subsequent docket and indexing the same, one dollar.

For entering a judgment or decree, one dollar.

For every search of the records of the court, one dollar.

For a certificate and seal, two dollars.

For receiving, keeping, and paying money in pursuance of any statute or order of court, two per cent. on the amount so received, kept and paid.

For an admission to the bar and certificate under seal, including filing of preliminary certificate and statements, fifteen dollars.

For preparing the record or a transcript thereof for the printer, in all cases, including records presented with petitions for certiorari, indexing the same, supervising the printing and distributing the printed copies to the justices, the reporter, the law library, and the parties or their counsel, eight cents per folio of each one hundred words; but where the necessary printed copies of the record as printed for the use of the court below are furnished, charges under this item will be limited to any additions printed here under the clerk's supervision.

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IT IS FURTHER ORDERED that the Rules promulgated June 5, 1928, Volume 275, United States Reports, appendix, and all amendments rescinded, but this shall not affect any proper action taken under the Rules hereby adopted become effective.

Per Mr. Chief Justice Hughes.

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For making a manuscript copy of the record, when required under Rule 13, fifteen cents per folio of each one hundred words, but nothing in addition for supervising the printing.

For preparing, on filing, for the printer, petitions for writs of certiorari, briefs, jurisdictional statements or motions when required by the Rules, or at the request of counsel when, in the opinion of the clerk, circumstances require, indexing the same, changing record references to conform to the paginaton of the printed record, and supervising the printing, five dollars for each such petition, brief, jurisdictional statement or motion. Neither the expense of printing nor the clerk's supervising fee shall be allowed as costs in the case.

For a mandate or other process, five dollars.

For filing briefs, five dollars for each party appearing.

For every printed copy of any opinion of the court or any justice thereof, certified under seal, two dollars.

33.

REHEARING.

A petition for rehearing may be filed with the clerk, in term time or in vacation, within twenty-five days after judgment is entered, unless the time is shortened or enlarged by order of the court, or of a justice thereof when the court is not in session; and must be printed, briefly and distinctly state its grounds, and be supported by a certificate of counsel to the effect that it is presented in good faith and not for delay. Such a petition is not subject to oral argument, and will not be granted, unless a justice who concurred in the judgment desires it, and a majority of the court so determines.

34.

MANDATES.

Mandates shall issue as of course after the expiration of twenty-five days from the day the judgment is entered, irrespective of the filing of a petition for rehearing, unless the time is shortened or enlarged by order of the court, or

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of a justice thereof when the court is not in session. (See Rules 31 and 35.)

No mandate issues upon the denial of a petition for writ of certiorari. Whenever application for a writ of certiorari to review a decision of any court is denied, the clerk shall enter an order to that effect, and shall forthwith notify the court below and counsel of record.

35.

DISMISSING CASES IN VACATION.

Whenever the appellant and appellee in an appeal, or the petitioner and respondent in a petition for or writ of certiorari, shall in vacation, by their attorneys of record, file with the clerk an agreement in writing that such appeal, petition for or writ of certiorari shall be dismissed, specifying the terms as respects costs, and shall pay to the clerk any fees that may be due to him, it shall be the duty of the clerk to enter such dismissal and to give to either party requesting it a copy of the agreement filed; but no mandate or other process shall issue on such dismissal without an order of the court. (See Rules 31 and 34.)

36.

APPEALS—BY WHOM ALLOWED—SUPERSEDEAS.

1. In cases where an appeal may be had from a district court to this court the same may be allowed, in term time or in vacation, by any judge of the district court, including a circuit judge assigned thereto, or by a justice of this court. In cases where an appeal may be had from a circuit court of appeals to this court the same may be allowed, in term time or in vacation by any judge of the circuit court of appeals or by a justice of this court. In cases where an appeal may be had from a state court of last resort to this court the same may be allowed in term time or in vacation by the chief justice or presiding judge of the state court or by a justice of this court. The judge or justice allowing the appeal shall take the proper security for costs and sign the requisite citation and he may also, on taking the requisite security therefor, grant a supersedeas

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IT IS FURTHER ORDERED that the Rules promulgated June 5, 1928, Volume 275, United States Reports, appendix, and all amendments rescinded, but this shall not affect any proper action taken under the Rules hereby adopted become effective.

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and stay of execution or of other proceedings under the judgment or decree, pending such appeal. See Rev. Stat., secs. 1000 and 1007, paragraph 1 of Rule 10, paragraph 2 of Rule 46, and Rule 62(c) of the Rules of Civil Procedure. For stay pending application for review on writ of certiorari see Rule 38, paragraph 6.

2. Supersedeas bonds must be taken, with good and sufficient security, that the appellant shall prosecute his appeal to effect, and answer all damages and costs if he fail to make his plea good. Such indemnity, where the judgment or decree is for the recovery of money not otherwise secured, must be for the whole amount of the judgment or decree, including just damages for delay, and costs and interest on the appeal; but in all suits where the property in controversy necessarily follows the event of the suit, as in real actions, replevin, and suits on mortgages, or where the property is in the custody of the marshal under admiralty process, as in case of capture or seizure, or where the proceeds thereof, or a bond for the value thereof, is in the custody or control of the court, indemnity is only required in an amount sufficient to secure the sum recovered for the use and detention of the property, and the costs of the suit, and just damages for delay, and costs and interest on the appeal.

37.

QUESTIONS CERTIFIED BY A CIRCUIT COURT OF APPEALS OR THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

(See Sec. 239 of the Judicial Code as amended by the Act of February 13, 1925.)

1. Where a circuit court of appeals or the United States Court of Appeals for the District of Columbia shall certify to this court a question or proposition of law, concerning which it desires instruction for the proper decision of a cause, the certificate shall contain a statement of the nature of the cause and of the facts on which such question or proposition of law arises. Questions of fact cannot be so certified. Only questions or propositions of law may be certified, and they must be distinct and definite.

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2. If in such a cause it appears that there is special reason therefor, this court may on application, or on its own motion, require that the entire record be sent up so that it may consider and decide the whole matter in controversy as upon appeal.

3. Where application is made for direction that the entire record be sent up, the application must be accompanied by a certified copy thereof.

38.

REVIEW ON WRIT OF CERTIORARI OF DECISIONS OF STATE COURTS, CIRCUIT COURTS OF APPEALS AND THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

(See Secs. 237 (b) and 240 (a) of the Judicial Code as amended by the Act of February 13, 1925; also Act of March 8, 1934, and Rules of Practice and Procedure, after plea of guilty, verdict or finding of guilt, in Criminal Cases brought in the District Courts of the United States and in the Supreme Court of the District of Columbia, promulgated May 7, 1934.)

1. A petition for review on writ of certiorari of a decision of a state court of last resort, a circuit court of appeals, or the United States Court of Appeals for the District of Columbia, shall be accompanied by a certified transcript of the record in the case, including the proceedings in the court to which the writ is asked to be directed. For printing record see paragraph 7 of this rule.

2. The petition shall contain a summary and short statement of the matter involved; a statement particularly disclosing the basis upon which it is contended that this court has jurisdiction to review the judgment or decree in question (See Rule 12, par. 1); the questions presented; and the reasons relied on for the allowance of the writ. Only the questions specifically brought forward by the petition for writ of certiorari will be considered. A supporting brief may be annexed to the petition or presented separately, but it must be direct and concise. (See Rules 26 and 27.) A failure to comply with these requirements will be a sufficient reason for denying the petition. See *United States* v. *Rimer*, 220 U. S. 547; *Furness, Withy & Co.* v. *Yang Tsze Insurance Assn.*, 242 U. S. 430; *Houston Oil Co.* v. *Goodrich*, 245 U. S. 440; *Layne & Bowler Corporation* v. *Western Well Works*,

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IT IS FURTHER ORDERED that the Rules promulgated June 5, 1928, Volume 275, United States Reports, appendix, and all amendments rescinded, but this shall not affect any proper action taken under the Rules hereby adopted become effective.

Per Mr. Chief Justice Hughes.

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261 U. S. 387, 392; *Magnum Import Co. v. Coty*, 262 U. S. 159, 163; *Southern Power Co. v. North Carolina Public Service Co.*, 263 U. S. 508. Forty printed copies of the petition and supporting brief shall be filed. The petition will be deemed in time when it, the record, and the supporting brief, are filed with the clerk within the period prescribed by section 8 of the Act of February 13, 1925, except that in cases of petition to this court for writ of certiorari to review a judgment of a circuit court of appeals or of the United States Court of Appeals for the District of Columbia in criminal cases within the provisions of the Act of March 8, 1934, the petition shall be made within the period prescribed pursuant to said Act in Rule XI of the Rules of Practice and Procedure, promulgated May 7, 1934 (292 U. S. 661, 666).

3. Notice of the filing of the petition, together with a copy of the petition, printed record and supporting brief, shall be served by the petitioner on counsel for the respondent within ten days after the filing (unless enlarged by the court, or a justice thereof when the court is not in session), and due proof of service shall be filed with the clerk. If the United States, or an officer or agency thereof, is respondent, the service of the petition, record and brief shall be made on the Solicitor General at Washington, D. C. Counsel for the respondent shall have twenty days, and where he resides in California, Oregon, Washington, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, or an outlying possession, shall have twenty-five days (unless enlarged by the court, or a justice thereof when the court is not in session), after notice, within which to file forty printed copies of an opposing brief, conforming to Rules 26 and 27. The brief must bear the name of a member of the bar of this court at the time of filing.

(a) If the date for filing a brief in opposition falls in the summer recess, the brief may be filed within forty days after the service of the notice, but this enlargement shall not extend the time to a later date than September 10th.

4. Upon the expiration of the period for filing the respondent's brief, or upon an express waiver of the right

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to file or the actual filing of such brief in a shorter time, the petition, record and briefs shall be distributed by the clerk to the court for its consideration.

(a) Timely reply briefs will be considered but distribution under this rule shall not be delayed pending the filing of such briefs.

5. A review on writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons therefor. The following, while neither controlling nor fully measuring the court's discretion, indicate the character of reasons which will be considered:

(a) Where a state court has decided a federal question of substance not theretofore determined by this court, or has decided it in a way probably not in accord with applicable decisions of this court.

(b) Where a circuit court of appeals has rendered a decision in conflict with the decision of another circuit court of appeals on the same matter; or has decided an important question of local law in a way probably in conflict with applicable local decisions; or has decided an important question of federal law which has not been, but should be, settled by this court; or has decided a federal question in a way probably in conflict with applicable decisions of this court; or has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by a lower court, as to call for an exercise of this court's power of supervision.

(c) Where the United States Court of Appeals for the District of Columbia has decided a question of general importance, or a question of substance relating to the construction or application of the Constitution, or a treaty or statute, of the United States, which has not been, but should be, settled by this court; or where that court has not given proper effect to an applicable decision of this court.

6. Section 8 (d) of the Act of February 13, 1925, prescribes the mode of obtaining a stay of the execution and enforcement of a judgment or decree pending an application for review on writ of certiorari. The stay may be

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IT IS FURTHER ORDERED that the Rules promulgated June 5, 1928, Volume 275, United States Reports, appendix, and all amendments escinded, but this shall not affect any proper action taken under he Rules hereby adopted become effective.

Per Mr. Chief Justice Hughes.

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granted by a judge of the court rendering the judgment or decree, or by a justice of this court, and may be conditioned on the giving of security as in that section provided. (See Rule 36.)

7. Upon receipt of the certified transcript of the record the clerk shall make an estimate of the cost of printing the record, his fee for preparing it for the printer and supervising the printing, and other probable fees, and shall furnish the same to the party docketing the case. Upon payment of the amount estimated by the clerk, forty copies of the record shall be printed, under his supervision, for the use of the court and of counsel. But where the record has been printed for the use of the court below and the necessary copies as so printed are furnished, it shall not be necessary to reprint it for this court, but only to print such additions as may be necessary to show the proceedings in that court and the opinions there. When the petition is presented it will suffice to furnish ten copies of the record as printed below together with the proceedings and opinion in that court; but if the petition is granted the requisite additional printed copies must be promptly supplied, and if not available the record must be reprinted under the supervision of the clerk.

8. Where it is necessary to print the record for the use of this court counsel should stipulate to omit from the printed record all matter not essential to a consideration of the questions presented by the petition for the writ, and when it is shown that unnecessary parts of the record have been printed although a reasonable effort was made by one of the parties to secure the printing of a proper record, such order as to costs may be made as the court shall deem proper.

39.

CERTIORARI TO A CIRCUIT COURT OF APPEALS OR THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA BEFORE JUDGMENT.

(See sec. 240 (a) of the Judicial Code as amended by the Act of February 13, 1925.)

Proceedings to bring up to this court on writ of certiorari a case pending in a circuit court of appeals or the

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United States Court of Appeals for the District of Columbia, before judgment is given in such court, should conform, as near as may be, to the provisions of Rule 38; and similar reasons for granting or refusing the application will be applied. That the public interest will be promoted by prompt settlement in this court of the questions involved may constitute a sufficient reason.

40.

QUESTIONS CERTIFIED BY THE COURT OF CLAIMS.

(See sec. 3 (a) of the Act of February 13, 1925.)

Where the Court of Claims shall certify to this court a question of law, concerning which instructions are desired for the proper disposition of a case, the certificate shall contain a statement of the case and of the facts on which such question arises. Questions of fact cannot be certified. The certification must be confined to definite and distinct questions of law.

41.

JUDGMENTS OF THE COURT OF CLAIMS—PETITIONS FOR REVIEW ON CERTIORARI.

(See sec. 3 (b) of the Act of February 13, 1925.)

1. In any case in the Court of Claims where both parties request in writing, at the time the case is submitted, that the facts be specially found, it shall be the duty of that court to make and enter special findings of fact as part of its judgment.

2. In any case in that court where special findings of fact are not so requested at the time the case is submitted, a party aggrieved by the judgment may, not later than twenty days after its rendition, request the court in writing to find the facts specially; and thereupon it shall be the duty of the court to make special findings of fact in the case and, by an appropriate order, to make them a part of its judgment. The judgment shall be regarded as remaining under the court's control for this purpose.

3. The special findings required by the two preceding paragraphs shall be in the nature of a special verdict, and

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IT IS FURTHER ORDERED that the Rules promulgated June 5, 1928, Volume 275, United States Reports, appendix, and all amendments rescinded, but this shall not affect any proper action taken under he Rules hereby adopted become effective.

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shall set forth the ultimate facts found from the evidence, but not the evidence from which they are found.

4. A petition to this court for a writ of certiorari to review a judgment of the Court of Claims shall be accompanied by a certified transcript of the record in that court, consisting of the pleadings, findings of fact, judgment and opinion of the court, but not the evidence. The petition shall contain a summary and short statement of the matter involved; the relevant parts of statutes involved (see Rule 27(f)); the questions presented; and the reasons relied on for the allowance of the writ. Only the questions specifically brought forward by the petition for writ of certiorari will be considered. A supporting brief may be annexed to the petition or presented separately, but it must be direct and concise. (See Rules 26 and 27.) The petition, brief and record shall be filed with the clerk and forty copies shall be printed under his supervision. The record shall be printed in the same way and upon the same terms that records on appeal are required to be printed. The estimated costs of printing shall be paid within five days after the estimate is furnished by the clerk and if payment is not so made the petition may be summarily dismissed. When the petition, brief and record are printed the petitioner shall forthwith serve copies thereof on the respondent, or his counsel of record, and shall file with the clerk due proof thereof.

5. Within twenty days after the petition, brief and record are served (unless enlarged by the court, or a justice thereof when the court is not in session) the respondent may file with the clerk forty printed copies of an opposing brief, conforming to Rules 26 and 27. Upon the expiration of that period, or upon an express waiver of the right to file or the actual filing of such brief in a shorter time, the petition, briefs and record, shall be distributed by the clerk to the court for its consideration. (See Rule 38, par. 4(a).)

The provision of subdivision (a) of paragraph 3 of Rule 38 shall apply to briefs in opposition to petitions for writs of certiorari to review judgments of the Court of Claims.

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6. The same general considerations will control in respect of petitions for writs of certiorari to review judgments of the Court of Claims as are applied to applications for such writs to other courts. (See par. 5 of Rule 38.)

42.

JUDGMENTS OF COURT OF CUSTOMS AND PATENT APPEALS OR OF SUPREME COURT OF THE COMMONWEALTH OF THE PHILIPPINES —PETITIONS FOR REVIEW ON CERTIORARI.

(See sec. 195 Judicial Code, as amended or sec. 7 of the Act of February 13, 1925.)

Proceedings to bring up to this court on writ of certiorari a case from the Court of Customs and Patent Appeals or from the Supreme Court of the Commonwealth of the Philippines should conform, as near as may be, to the provisions of Rule 38. The same general considerations which control when such writs to other courts are sought will be applied to them.

43.

ORDER GRANTING CERTIORARI.

Whenever application for a writ of certiorari to review a decision of any court is granted, the clerk shall enter an order to that effect, and shall forthwith notify the court below and counsel of record of the granting of the application. The order shall direct that the certified transcript of record on file here be treated as though sent up in response to a formal writ. A formal writ shall not issue unless specially directed.

44.

RULES, COSTS, FEES, ETC., ON CERTIORARI.

Where not otherwise specially provided, the rules relating to appeals, including those relating to costs, fees and interest, shall apply, as far as may be, to petitions for, and causes heard on, certiorari.

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IT IS FURTHER ORDERED that the Rules promulgated June 5, 1928, Volume 275, United States Reports, appendix, and all amendments rescinded, but this shall not affect any proper action taken under he Rules hereby adopted become effective.

Per Mr. Chief Justice Hughes.

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45.

CUSTODY OF PRISONERS PENDING A REVIEW OF PROCEEDINGS IN HABEAS CORPUS.

(See Rev. Stat. sec. 765 and Act of February 13, 1925, sec. 6.)

1. Pending review of a decision refusing a writ of habeas corpus, the custody of the prisoner shall not be disturbed.

2. Pending review of a decision discharging a writ of habeas corpus after it has been issued, the prisoner may be remanded to the custody from which he was taken by the writ, or detained in other appropriate custody, or enlarged upon recognizance with surety, as to the court or judge rendering the decision may appear fitting in the circumstances of the particular case.

3. Pending review of a decision discharging a prisoner on habeas corpus, he shall be enlarged upon recognizance, with surety, for his appearance to answer and abide by the judgment in the appellate proceeding; and if in the opinion of the court or judge rendering the decision surety ought not to be required the personal recognizance of the prisoner shall suffice.

4. The initial order respecting the custody or enlargement of the prisoner pending review, as also any recognizance taken, shall be deemed to cover not only the review in the intermediate appellate court but also the further possible review in this court; and only where special reasons therefor are shown to this court will it disturb that order, or make any independent order in that regard.

46.

REVIEW ON APPEAL.

1. Appeals to this court from the district courts and the circuit courts of appeals are not affected by the Act of January 31, 1928, or the amendatory Act of April 26, 1928, both of which are copied in the appendix hereto. Such appeals, where admissible, must be sought, allowed and perfected as

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provided in other statutes and in the rules of this court. The Act of February 13, 1925, copied in the appendix hereto, shows when an appeal is admissible and when the mode of review is limited to certiorari.

2. Under the Act of January 31, 1928, as amended by the Act of April 26, 1928, the review which theretofore could be had in this court on writ of error may now be obtained on an appeal. But the appeal thereby substituted for a writ of error must be sought, allowed and perfected in conformity with the statutes theretofore providing for a writ of error. The appeal can be allowed only on the presentation of a petition showing that the case is one in which, under the legislation in force when the Act of January 31, 1928, was passed, a review could be had in this court on writ of error. The petition must be accompanied by an assignment of errors (see Rule 9), and statement as to jurisdiction (see Rule 12), and the judge or justice allowing the appeal must take proper security for costs and sign the requisite citation to the appellee. See paragraph 1 of Rule 10 and paragraph 1 of Rule 16. The citation must be served on the appellee or his counsel and filed, with proof of service, with the clerk of the court in which the judgment to be reviewed was entered. The mode of obtaining a supersedeas is pointed out in paragraph 2 of Rule 26.

47.

APPEALS UNDER THE ACT OF AUGUST 24, 1937.

Appeals to this court under the Act of August 24, 1937, shall be governed, as far as may be, by the rules of this court regulating the procedure on appeal in other cases from courts of the United States; provided, however, that when an appeal is taken under Section 2 of the Act the service required by paragraph 2 of Rule 12 shall be made on all parties to the suit other than the party or parties taking the appeal. The record shall be made up and the case docketed in this court within sixty days from the time the appeal is allowed.

IT IS FURTHER ORDERED that the Rules promulgated June 5, 1928, olume 275, United States Reports, appendix, and all amendments scinded, but this shall not affect any proper action taken under e Rules hereby adopted become effective.

Per Mr. Chief Justice Hughes.

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48.

JOINT OR SEVERAL APPEALS OR PETITIONS FOR WRITS OF CERTIORARI; SUMMONS AND SEVERANCE ABOLISHED.

Parties interested jointly, severally, or otherwise in a judgment may join in an appeal or a petition for writ of certiorari therefrom; or, without summons and severance, any one or more of them may appeal or petition separately or any two or more of them may join in an appeal or petition.

49.

NO SESSION ON SATURDAY.

The court will not hear arguments or hold open sessions on Saturday.

50.

ADJOURNMENT OF TERM.

The court will at every term announce, at least three weeks in advance, the day on which it will adjourn, and will not take up any case for argument, or receive any case upon briefs, within two weeks before the adjournment, unless otherwise ordered for special cause shown.

51.

ABROGATION OF PRIOR RULES.

These rules shall become effective February 27, 1939, and be printed as an appendix to 306 U. S. The rules promulgated June 5, 1928, appearing in 275 U. S., Appendix, and all amendments thereof are rescinded, but this shall not affect any proper action taken under them before these rules become effective.

Eugene Kessler, District Director
of Immigration and Naturalization,

Petitioner,

330 vs.

Joseph George Strecker.

Argument continued by Mr. Whitney North Seymour and by Mr. C. A. Stanfield for the Respondent, and concluded by Mr. Solicitor General Jackson for the Petitioner.

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Proclamation being made the Court is adjourned until Monday, February 27, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts, Associate Justices.
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Woodson Morris Miles, Esquire, of Union City, State of Tennessee;

Paul Edward Waring, Esquire, of Washington, District of Columbia; and

William G. Cullen, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur P. Driscoll, It is ordered that Thomas Newman Lawler, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that Salvador Araneta, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh M. Morris, It is ordered that Aaron Finger, Esquire, of Wilmington, State of

Delaware, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Henry Butler, It is ordered that Henry M. Paul, Jr., Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest M. Neumann, It is ordered that George L. Sisson, Esquire, of Fall River, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Errett G. Smith, It is ordered that Weightstill Woods, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward F. Howrey, It is ordered that Hunter J. von Leer, Esquire, of Terre Haute, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur M. Becker, It is ordered that Jacob Levine, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl D. Loos, It is ordered that Carl V. Wisner, Jr., Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel E. Darby, Jr., It is ordered that Anthony William Deller, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mastin G. White, It is ordered that Abner E. Lipscomb, Esquire, of Waco, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph J. Smith, Jr., It is ordered that Walter A. Merley, Esquire, of Coatesville, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. H. Williams, It is ordered that

Henry M. Sackett, Jr., Esquire, of Lynchburg, State of Virginia; and

Paul H. Coleman, Esquire, of Lynchburg, State of Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. R. F. Whitehead, It is ordered that Paul Whitehead, Esquire, of Lynchburg, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Mildred E. Reeves, It is ordered that Edward W. Erfurt, Jr., Esquire, of Columbus, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George M. Morris, It is ordered that Charles M. Lyman, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that Francis Hoague, Esquire, of Concord, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Gregory Bruce, It is ordered that

Joseph J. Leary, Esquire, of Frankfort,
State of Kentucky; and

Samuel M. Rosenstein, Esquire, of Frankfort,
State of Kentucky;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph C. Stone, It is ordered that Charles Gordon Watts, Esquire, of Wagoner, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul H. Brinson, It is ordered that Clayton A. Avriett, Esquire, of Jasper, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Morris L. Ernst, It is ordered that Benjamin Kaplan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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A. B. Hale, as Chairman, and E. A. McColskey, et al., etc., Appellants,	Appeal from the District Court of the United States for the Northern District of Florida.
418 vs.	
Bimco Trading, Inc., and Broward County Port Authority.	

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Frankfurter.

Keifer and Keifer, a Co-partnership, Composed of J. Warren Keifer, Jr., and Oswin Keifer,

Petitioner,

364 vs.

Reconstruction Finance Corporation and Regional Agricultural Credit Corporation of Sioux City, Iowa.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Nebraska for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Hugh Pierre,

Petitioner,

142 vs.

State of Louisiana.

On writ of certiorari to the Supreme Court of the State of Louisiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

The United States of America,

Petitioner,

391 vs.

Elizabeth C. Jacobs, Executrix of the Last Will and Testament of W. Francis Jacobs, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Black.

Dissenting: Mr. Justice McReynolds, Mr. Justice Butler and Mr. Justice Roberts.

Mr. Justice Stone took no part in the consideration or decision of this case.

Edward Jordan Dimock, as Substituted Executor of the Last Will and Testament of Henry C. Folger, Deceased, etc.,

Petitioner,

482 vs.

Walter C. Corwin, Late Collector of Internal Revenue, First District of New York.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York.

Per Mr. Justice Black.

Dissenting: Mr. Justice McReynolds, Mr. Justice Butler, and Mr. Justice Roberts.

Mr. Justice Stone took no part in the consideration or decision of this case.

John M. Taylor, Oscar A. Kennedy and H. Russell Hastings, as the Independent Committee for the Protection of the Holders of Preferred Stock of Deep Rock Oil Corporation,

Petitioners,

312 vs.

Standard Gas and Electric Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Oklahoma for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Mr. Justice Frankfurter took no part in the consideration or decision of this case.

The United States of America,

Petitioner,

360 vs.

Charles F. Towery, in His Own Right and as Administrator of the Estate of Robert C. Towery, Deceased.

On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Illinois for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

National Labor Relations Board,

Petitioner,

274 vs.

The Sands Manufacturing Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

Dissenting: Mr. Justice Black and Mr. Justice Reed.

Mr. Justice Frankfurter took no part in the consideration or decision of this case.

Milk Control Board of the Commonwealth of Pennsylvania,

Petitioner,

426 vs.

Eisenberg Farm Products.

On writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting: Mr. Justice McReynolds and Mr. Justice Butler.

Edward H. Titus, Petitioner, vs. Lou C. Wallick. — On writ of certiorari to the Supreme Court of the State of Ohio.

188

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

National Labor Relations Board, Petitioner, vs. Columbian Enameling and Stamping Company, Inc. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

229

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Stone.

Mr. Justice Frankfurter took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black in which Mr. Justice Reed joins.

The United States of America,

Petitioner,

416 vs.

Bertelsen & Petersen Engineering Company.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Massachusetts.

Per Mr. Justice McReynolds.

Mr. Justice Reed took no part in the consideration or decision of this case.

The United States of America,

Petitioner,

437 vs.

C. T. Jaffray, R. H. M. Robinson and S. M. Archer, as Trustees of the Estate of Minnesota and Ontario Paper Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Minnesota.

Per Mr. Justice McReynolds.

Mr. Justice Reed took no part in the consideration or decision of this case.

National Labor Relations Board, Petitioner, vs. Fansteel Metallurgical Corporation. — On writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

436

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Seventh Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court and, as thus modified, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Frankfurter took no part in the consideration and decision of this case.

Opinion by Mr. Justice Stone concurring in part.

Opinion by Mr. Justice Reed dissenting in part in which Mr. Justice Black concurs.

Frank Eichholz, Appellant, vs. Public Service Commission of the State of Missouri, et al. — Appeal from the District Court of the United States for the Western District of Missouri.

367

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court so far as it denies an injunction in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

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* Decree in No 367 amended as of April 17, 1939 the words "so far as it denies an injunction" being added to conform with order of April 17, 1939 (p. 672) amending opinion

The Chief Justice announced the following order of the Court:

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Willie Eva Simmons,

Appellant,

vs.

The Board of Education of the City of Muskogee of the State of Oklahoma, et al.

Appeal from the District Court of the United States for the Eastern District of Oklahoma.

643

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Oklahoma, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to dismiss on the ground that the cause has become moot be, and the same is hereby, denied; and that the motion to affirm the decree of the District Court in this cause be, and the same is hereby, granted upon the ground that the questions on which the decision of the cause depends are so unsubstantial as not to need further argument. Rule 7, par. 4.

AND IT IS FURTHER ORDERED, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk, and will not be announced orally."

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In re Disbarment of Walter C. Balderston.
No. —

It having been reported to the Court that the District Court of the United States for the District of Columbia has entered an order accepting the resignation of Walter C. Balderston as a member of the Bar of said Court, directing that his name be stricken from its roll of attorneys and prohibiting said Walter C. Balderston from practicing law and holding himself out to be an attorney at law in the District of Columbia, IT IS ORDERED that the said Walter C. Balderston be, and he is hereby, suspended from the practice of law

in this Court, and that a rule issue, returnable within forty (40) days, requiring him to show cause why he should not be disbarred from the practice of law in this Court.

Per Mr. Chief Justice Hughes.

Ex Parte Albert Leighton,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Joseph J. O'Brien,

Petitioner.

—, Original.

ON CONSIDERATION of the motions for leave to file petitions for writs of habeas corpus and mandamus herein,

IT IS ORDERED by this Court that the said motions be, and the same are hereby, denied.

Per Mr. Chief Justice Hughes.

Ira Ellis Veal,

Petitioner,

652 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ira Ellis Veal,

Petitioner,

652 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles Eddy,

Petitioner,

690 vs.

William Hunt, as Warden of Attica State Prison, Attica, New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles Eddy,

Petitioner,

690 vs.

William Hunt, as Warden of Attica State Prison, Attica, New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Santa Monica Mountain Park Company, Ltd.,

Petitioner.

606 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

S. S. Kresge Company,

Petitioner,

585 vs.

Kitty Amsler, Vernon House-Wright, Jesse K. Keller, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Stone and Mr. Justice Roberts took no part in the consideration and decision of this application.

Manhattan Railway Company, et al., etc.,

Petitioners,

592 vs.

Van S. Merle-Smith, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration and decision of this application.

Manhattan Railway Company, et al., etc.,

Petitioners,

593 vs.

Van S. Merle-Smith, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Chief Justice took no part in the consideration and decision of this application.

Patrick D. Fahey, as Receiver, et al.,

Petitioners,

597 vs.

William C. Cook, James S. McClellan, et al.

ON CONSIDERATION of the suggestion of a diminution of the record herein and motion for a writ of certiorari in that relation,

IT IS ORDERED by this Court that the motion for a writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Patrick D. Fahey, as Receiver, and Louise B. Koehler and Anna K. Shearman,

Petitioners,

597 vs.

William C. Cook, James S. McClellan and William M. Knutson, as Trustees, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Sioux Tribe of Indians,
Petitioner,
564 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Steve Ark, et al.,
Petitioners,
589 vs.
Fansteel Metallurgical Corporation.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Westchester County,
Petitioner,
596 vs.
The Sound Marine and Machine Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In the Matter of Clayton C. Gilliland, Petitioner.

600

On petition for writ of certiorari to the Supreme Court of the State of Michigan.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Michigan, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Northern Trust Company of Chicago, Executor, et al., Petitioners,

602 vs.

Sarah Drain Edenborn.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Oscar Lee, Warden of the Wisconsin State Prison, Waupun, Wisconsin, Petitioner,

542 vs.

Jerry Pero and Paul Moore.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Potash and Chemical Corporation,

Petitioner,

594 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edgar Cowherd,

Petitioner,

599 vs.

Phoenix Joint Stock Land Bank of Kansas City and Carrollton Investment Company of Carrollton, Missouri.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph Divack,

Petitioner,

601 vs.

Charles Goldberg, Trustee in Bankruptcy.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State Farm Mutual Automobile Insurance Company of Bloomington, Illinois,

Petitioner,

604 vs.

J. Vern Dewalt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Robert H. Herring,

Petitioner,

607 vs.

Alabama Great Southern Railroad Company.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Kate Hudson,

Petitioner,

610 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Herzberg's, Inc.,

Petitioner,

611 vs.

Ocean Accident & Guarantee Corporation, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Josephine Jump, Nee Strikeaxe, and Joe S. McGuire, Guardian of James Strikeaxe, an Incompetent, Full-blood Osage Indian,

Petitioners,

618 vs.

C. L. Ellis, Superintendent of the Osage Indian Agency.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward P. Harris, as President of the Calcocraft,

Petitioner,

620 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Atlantic Coast Line Company,
Petitioner,
621 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Atlantic Coast Line Company,
Petitioner,
622 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Atlantic Coast Line Company,
Petitioner,
623 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

A. R. Eppenauer, et al.,

Petitioners,

523 vs.

The Ohio Oil Company (Marathon Oil Company, Original Plaintiff).

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. P. Deppe,

Petitioner,

532 vs.

General Motors Corporation.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The State of Ohio, ex rel. Carl Green,

Petitioner,

547 vs.

Charles E. King, Clerk of the Court of Common Pleas, Franklin County, Ohio, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Ex Parte Patriotic Society of
Unemployed People of the United
States,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus submitted by Mr. H. Eugene Gardner for the Petitioner.

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Frank Hague, Individually and as Mayor
of Jersey City, et al., etc.,

Petitioners,

651 vs.

Committee for Industrial Organization,
et al.

Three hours allowed for oral argument.

Argument commenced by Mr. Charles Hershenstein for the Petitioners; and continued by Mr. Edward J. O'Mara for the Petitioners and by Mr. Morris L. Ernst for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts, Associate Justices.
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Homer D. Angell, It is ordered that Gladys M. Everett, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph W. Byrns, Jr., It is ordered that James C. Mavron, Esquire, of Nashville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Houston, It is ordered that James M. Nabrit, Jr., Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter F. George, It is ordered that Marley Langdale, Esquire, of Valdosta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert Alexis Green, It is ordered that Arthur L. Brogden, Esquire, of Jacksonville,

State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. M. Wolford, It is ordered that Travis H. Edwards, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas E. Rhodes, It is ordered that John Stuart Hunt, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Craig L. Reddish, It is ordered that Charles William Carhart, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Julian T. Cromelin, It is ordered that Clair V. Johnson, Esquire, of Larchmont, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl D. Loos, It is ordered that Gene M. Harris, Esquire, of Santa Barbara, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James J. Laughlin, It is ordered that Ellis Klein, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Ristine, It is ordered that Paul G. Borron, Esquire, of Baton Rouge, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Lewis, It is ordered that

Nelle W. Lewis, of Oklahoma City,
State of Oklahoma; and

William C. Lewis, Jr., Esquire, of Oklahoma City,
State of Oklahoma;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Frank Hague, Individually and as Mayor of Jersey City, et al., etc.,

Petitioners,

651 vs.

Committee for Industrial Organization, et al.

Argument continued by Mr. Spaulding Frazer for the Respondents and concluded by Mr. Charles Hershenstein for the Petitioners.

The Electric Storage Battery Co.,

Petitioner,

141 vs.

Genzo Shimadzu, and Northeastern Engineering Corporation.

Argued by Mr. Hugh M. Morris for the Petitioner and by Mr. Edmund B. Whitcomb and Mr. George Whitefield Betts, Jr., for the Respondents.

Douglas Fairbanks,

Petitioner,

65 vs.

The United States of America.

Argued by Mr. William Stanley for the Petitioner and by Mr. Andrew D. Sharpe for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts, Associate Justices.
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Paul Williams, It is ordered that Waldemar Q. VanCott, Esquire, of Salt Lake City, State of Utah, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Leonard S. Lyon, It is ordered that Ben Frank Saye, Esquire, of Duncan, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Franklin Clyde Baggarly, It is ordered that Benjamin G. Wilson, Esquire, of Jasper, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. J. Dimock, It is ordered that Cornelius O. Donahue, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul G. Borron, It is ordered that Fred G. Benton, Esquire, of Baton Rouge, State of

Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene F. Bogan, It is ordered that Herbert V. Mueller, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Toledo Pressed Steel Company,
Petitioner,
166 vs.
Standard Parts, Inc.;

The Toledo Pressed Steel Company,
Petitioner,
167 vs.
Huebner Supply Company; and

Montgomery Ward & Company, Inc.,
Petitioner,
603 vs.
The Toledo Pressed Steel Company.

Argument commenced by Mr. Samuel E. Darby, Jr., for the Petitioner in Nos. 166 and 167 and Respondent in No. 603; continued by Mr. W. P. Bair for the Respondents in Nos. 166 and 167; by Mr. Carl V. Wisner, Jr., for the Petitioner in No. 603; and concluded by Mr. Wilbur Owen for the Petitioner in Nos. 166 and 167 and Respondent in No. 603.

J. S. Kohn, M. S. Kohn, et al.,
Appellants,
177 vs.
Central Distributing Co., Inc., et al.

Argument commenced by Mr. Harvey H. Smith for the Appellant.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts, Associate Justices.
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jas. Hamilton Lewis, It is ordered that Ernst Buehler, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fritz G. Lanham, It is ordered that C. C. Peters, Jr., Esquire, of Fort Worth, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul P. Hannah, It is ordered that James A. Finch, Esquire, of Cape Girardeau, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. E. J. Dimock, It is ordered that Lucius Arnold Frye, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry N. Routzohn, It is ordered that Thomas H. Wick, Esquire, of Dayton, State of Ohio,

be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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J. S. Kohn, M. S. Kohn, et al.,

Appellants,

177 vs.

Central Distributing Co., Inc., et al.

Argument continued by Mr. Harvey H. Smith for the Appellants; by Mr. J. J. Leary for the Appellees; and concluded by Mr. Harvey H. Smith for the Appellants.

H. V. B. Smith, et al.,

548 vs. (Certificate)

Motorship "Ferncliff," et al.

Argued by Mr. Charles R. Hickox for Smith, et al., and by Mr. George Whitefield Betts, Jr., and Mr. George Forbes for the Motorship "Ferncliff," et al.

David T. Wilentz, J. H. Thayer- Martin, et al.,

Appellants,

448 vs.

Sovereign Camp, Woodmen of the World.

Argued by Mr. E. J. Dimock for the Appellants and by Mr. David M. Wood and Mr. Arthur T. Vanderbilt for the Appellee.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts, Associate Justices.
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Bennett C. Clark, It is ordered that Max G. Baron, Esquire, of St. Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roscoe J. C. Dorsey, It is ordered that Brendan F. Brown, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Telford Taylor, It is ordered that Sidney J. Kaplan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Miss Helen Rembert Carloss, It is ordered that Mary J. McGlone, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin Allan Swingle, It is ordered that Francis J. Stoegerer, Esquire, of Washington,

District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elisha Hanson, It is ordered that T. Carl Nixon, Esquire, of Rochester, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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O R D E R

IT IS ORDERED by the Court that the accompanying correspondence between members of the Court and Mr. Justice Brandeis be this day spread upon the Minutes and that it also be printed in the reports of the Court:

"SUPREME COURT OF THE UNITED STATES,
Washington, D. C.

February 17, 1939.

"Dear Justice Brandeis:

"We deeply regret that you have found it advisable to retire from your regular active service as Associate Justice, a service which you have rendered for over twenty-two years with a vigor and devotion which have never been surpassed. Your long practical experience and intimate knowledge of affairs, the wide range of your researches and your grasp of the most difficult problems, together with your power of analysis and your thoroughness in exposition, have made your judicial career one of extraordinary distinction and far-reaching influence. It has always been gratifying to observe that the intensity of your labors has never been permitted to disturb your serenity of spirit and we shall have an abiding memory of your never-failing friendliness. We trust that, relieved of the pressing burden of regular court work, you may be able to conserve the strength which has been so lavishly used in the public service, and that you may enjoy many years of continued vigor. We extend

to your our best wishes and the assurance of our affection and profound esteem.

Faithfully yours,

Charles E. Hughes,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Mr. Justice Brandeis."

"2205 California Street,
Washington, D. C.

February 18, 1939.

"My dear Chief Justice:

"You and the Associate Justices are very generous. Our friendship gives assurance that throughout the years to come we shall remain companions.

Cordially,

Louis D. Brandeis."

United States Trust Company of New York, as Executor, etc.,

Petitioner,

453 vs.

Commissioner of Internal Revenue.

Argued by Mr. Wilder Goodwin for the Petitioner and by Mr. J. Louis Monarch for the Respondent.

I. W. Lane,

Petitioner,

460 vs.

Jess Wilson, John Moss, and Marion Parks.

Argument commenced by Mr. Charles A. Chandler for the Petitioner; continued by Mr. James M. Nabrit, Jr., for the Petitioner; by Mr. Charles G. Watts and Mr. Joseph C. Stone for the Respondents; and concluded by Mr. James M. Nabrit, Jr., for the Petitioner.

Powers Higginbotham,

Appellant,

462 vs.

City of Baton Rouge, Louisiana.

Argument commenced by Mr. Paul C. Borron for the Appellant.

The Court declined to hear further argument.

Honolulu Oil Corporation, Ltd., et al.,

Petitioners,

466 vs.

Erle P. Halliburton, et al.; and

Erle P. Halliburton, et al.,

Petitioners,

479 vs.

Honolulu Oil Corporation, Ltd., et al.

Argument commenced by Mr. A. W. Boyken for the Honolulu Oil Corporation, Ltd., et al.

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Proclamation being made the Court is adjourned until Monday, Next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

Honorable James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts, Associate Justices.
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that William J. Connor, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Rayburn L. Foster, It is ordered that H. D. Emery, Esquire, of Bartlesville, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. K. Divers, It is ordered that John A. McIntire, Esquire, of Springfield, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Louis R. Mehlinger, It is ordered that Ralph E. Mizelle, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that O. John Rogge, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elphege Desgres, It is ordered that Morris Weingarten, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wendell Berge, It is ordered that Charles Allan Hart, Jr., Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William I. Henderson, It is ordered that William Concannon Walsh, Esquire, of Cumberland, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. F. Snyder, It is ordered that

William H. Parsons, Esquire, of Washington, District of Columbia; and

James Lyman Hetland, Esquire, of Minneapolis, State of Minnesota;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Mr. Justice McReynolds said:

"The orders of the Court, properly certified, appear upon the list filed with the Clerk and will not be announced orally."

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Ex Parte Patriotic Society of Unemployed Persons of the United States,

Petitioner.

—, Original.

On consideration of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Wichita Royalty Company, et al.,

Petitioners,

314 vs.

City National Bank of Wichita Falls, et al.

ON CONSIDERATION of the motion of counsel for the Petitioners that the costs incurred in the Circuit Court of Appeals in this case be taxed against the Respondents,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied without prejudice to an application to the proper court at the proper time.

Per Mr. Justice McReynolds.

Chippewa Indians of Minnesota,

Appellant,

666 vs.

The United States.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Justice McReynolds.

Southern Pacific Company,

Petitioner,

Order allowing certiorari.

613 vs.

The United States.

The petition herein for a writ of certiorari to the Court of Claims is grant. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Carlisle Lumber Company,

Petitioner,

504 vs.

National Labor Relations Board.

ON CONSIDERATION of the motion to consider the petition for writ of certiorari in this case on the typewritten record,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice McReynolds.

Carlisle Lumber Company,

Petitioner,

504 vs.

National Labor Relations Board.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Victor W. Nelson,

Petitioner,

616 vs.

Lon J. Darley, Alabama Public Utilities Company, Lon J. Darley, as Receiver, etc., et al.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Pennsylvania Salt Manufacturing Company,

Petitioner,

617 vs.

The United States.

On petition for writ of certiorari to the U. S. Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the U. S. Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Kennesaw Mountain Battlefield Association, et al.,

Petitioners,

619 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Trustee of Lumber Investment Association,

Petitioner,

625 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Russell S. Simmons, et al., Petitioners,
637 vs.
Anastasia M. Toohey.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Bertha M. Smith, Petitioner,
638 vs.
Leroy E. Schwier.

On petition for writ of certiorari to the Supreme Court of the State of Ohio.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Ohio, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Joseph C. Bajoras, Petitioner,
639 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

James P. Pickett,

Petitioner,

642 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

City of Ocean City, New Jersey,

Petitioner,

656 vs.

Federal Reserve Bank of Philadelphia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Mackay Radio and Telegraph Company, Inc.,

Petitioner,

127 vs.

Radio Corporation of America.

ORDERED that the opinion in this case be modified by substituting for the last five lines of the third paragraph on page 8, the following:

> "to wire lengths not multiples of half wave lengths, must fail, because such structures are not within the invention described in the application."

And by striking from the third line on page 11 of the opinion the words "the angle of".

And by striking from the opinion the full sentence beginning in the fourth line on page 11.

Per Mr. Justice McReynolds.

Mackay Radio and Telegraph
Company, Inc.,

Petitioner,

127 vs.

Radio Corporation of America.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Carl K. Lifson, Administrator of the
Estate of Benjamin Lifson, Deceased,
et al.,

Petitioners,

515 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion for leave to file the petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Frances S. Ryan,

Petitioner,

556 vs.

The United States of America.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Thomas W. Cook,

Petitioner,

571 vs.

Jennie G. Lewis, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

O R D E R

The Court will take a recess from Monday, March 13, until Monday, March 27, next.

Clifford Chambers,

Appellant,

728 vs.

The State of North Dakota.

Appeal from the Supreme Court of the State of North Dakota.

Mr. P. O. Sathre, Assistant Attorney General of the State of North Dakota, counsel for the Appellee, having filed in open Court the following certificate:

"IN SUPREME COURT, STATE OF NORTH DAKOTA.

State of North Dakota,
Respondent,

-vs-

Clifford Chambers,
Appellant.

I, J. H. Newton, Clerk of the Supreme Court of the State of North Dakota, do hereby certify that a petition for an order allowing appeal to the Supreme Court of the United States from the order and judgment of said Supreme Court, which affirmed the conviction of the above

named Clifford Chambers on a charge of engaging in the liquor traffic, appealed from the District Court of Ward County, was duly filed in my said office on the 29th day of July, A. D. 1938; that that order allowing said appeal was signed and filed in my said office on the 1st day of August, 1938; and that on the 7th day of November, A. D. 1938, the transcript on appeal was transmitted to the Clerk of the Supreme Court of the United States.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court, at Bismarck, North Dakota, this 11th day of January, A. D. 1939.

(Signed) J. H. Newton

(SEAL)

Clerk, Supreme Court, State of North Dakota."

and having moved the Court to docket and dismiss this cause pursuant to the 11th Rule,

AND IT APPEARING TO THE COURT that the Appellant has failed to have his cause filed and docketed in conformity with the rules of this Court,

IT IS ORDERED and adjudged by this Court that this appeal be, and the same is hereby, docketed and dismissed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court of the State of North Dakota to be proceeded in according to law and justice.

Per Mr. Justice McReynolds.

Paramount Pictures, Inc., et al.,
Appellants,

567 vs.

William A. Langer, Individually, etc., et al.;

and

Paramount Pictures, Inc., et al.,
Appellants,

568 vs.

Alvin C. Strutz, Individually, etc., et al.

Motion of Appellants to reverse and remand with directions to dismiss the bills of complaint upon the ground that the cases are moot submitted by Mr. Thomas D. Thacher for the Appellants, with leave to the Appellees to reply within ten days.

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Honolulu Oil Corporation, Ltd., et al.,

Petitioners,

466 vs.

Erle P. Halliburton, et al.; and

Erle P. Halliburton, et al.,

Petitioners,

479 vs.

Honolulu Oil Corporation, Ltd., et al.

Argument continued by Mr. A. W. Boyken for the Honolulu Oil Corporation, Ltd., et al.; by Mr. Leonard S. Lyon and Mr. William H. Davis for Erle P. Halliburton, et al.; and concluded by Mr. A. W. Boyken for the Honolulu Oil Corporation, Ltd., et al.

Mark Graves, John J. Merrill, and John P. Hennessey, as Commissioners Constituting the State Tax Commission of the State of New York,

Petitioners,

478 vs.

The People of the State of New York, upon the Relation of James B. O'Keefe.

Argument commenced by Mr. Henry Epstein for the Petitioners; continued by Mr. Solicitor General Jackson for the United States, as amicus curiae, by special leave of Court; and concluded by Mr. Daniel McNamara, Jr., for the Respondent.

The State Tax Commission of Utah,
et al.,

Petitioners,

491 vs.

W. G. VanCott.

Argument commenced by Mr. Irwin Arnovitz for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, MARCH 7, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

Honorable James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts, Associate Justices.
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. David D. Terry, It is ordered that Bronson Cooper Jacoway, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John S. L. Yost, It is ordered that A. J. Little, Esquire, of Valdosta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The State Tax Commission
of Utah, et al.,

Petitioners,

491 vs.

W. Q. VanCott.

Argument continued by Mr. Irwin Arnovitz for the Petitioners and concluded by Mr. W. Q. VanCott for the Respondent.

Rafael Sancho Bonet, Treasurer
of Puerto Rico,

Petitioner,

498 vs.

Yabucoa Sugar Company.

Argued by Mr. William Cattron Rigby for the Petitioner and by Mr. Earle T. Fiddler for the Respondent.

Leave granted Respondent to file a reply brief on or before Friday, next.

Rochester Telephone Corporation,

Appellant,

481 vs.

The United States of America and
Federal Communications Commission.

Argued by Mr. T. Carl Nixon for the Appellant and by Mr. Hugh B. Cox for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

Honorable James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts, Associate Justices.
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that John A. Laing, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Urban C. Stover, It is ordered that Rexell A. Boyd, Esquire, of Greencastle, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Knight, It is ordered that Harry M. Stitle, Jr., Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert K. McConnaughey, It is ordered that William F. Weber, Esquire, of Brooklyn, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Earle D. Crammond, It is ordered that Richard Heath Wood, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

James H. Mulford, et al.,

Appellants,

505 vs.

Nat Smith, et al.

Argument commenced by Mr. A. J. Little for the Appellants; continued by Mr. Solicitor General Jackson and by Mr. Robert K. McConnaughey for the Appellee, The United States; and concluded by Mr. Omer W. Franklin for the Appellees, Smith, et al.

National Labor Relations Board,

Petitioner,

514 vs.

Benjamin Fainblatt, et al., etc.

Argument commenced by Mr. Charles Fahy for the Petitioner, and continued by Mr. T. Girard Wharton for the Respondents.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

Honorable James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Francis D. Stephens, It is ordered that Harold A. Swanson, Esquire, of Bloomfield, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Newman Alexander Townsend, It is ordered that Frederick D. Hamrick, Jr., Esquire, of Rutherfordton, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin M. Sturtevant, It is ordered that Alfred P. Ramsey, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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National Labor Relations Board,
Petitioner,
514 vs.
Benjamin Fainblatt, et al., etc.

Argument continued by Mr. T. Girard Wharton for the Respondents and concluded by Mr. Charles Fahy for the Petitioner.

Federal Power Commission,

Petitioner,

508 vs.

Pacific Power & Light Company, et al.

Argued by Mr. Assistant Solicitor General Bell for the Petitioner and by Mr. A. J. G. Priest and Mr. John A. Laing for the Respondents.

John Goins,

Petitioner,

516 vs.

The United States of America.

Argument commenced by Mr. S. H. Sutherland for the Petitioner and continued by Mr. William W. Barron for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

FRIDAY, MARCH 10, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

Honorable James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts, Associate Justices.
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. Roland Kinzer, It is ordered that Dorice S. Grace, of Worcester, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that

Joseph A. Murphy, Esquire, of Detroit, State of Michigan; and

Daniel G. Shea, Esquire, of Detroit, State of Michigan;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Ralph D. Pittman, Esquire, of De Leon, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence J. McLeod, It is ordered that Alan J. Stone, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest L. Wilkinson, It is ordered that Ralph Page Wanlass, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Colin F. Stam, It is ordered that John Milton Cooper, Esquire, of North Wilkesboro, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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John Goins,

Petitioner,

516 vs.

The United States of America.

Argument continued by Mr. William W. Barron for the Respondent, and concluded by Mr. S. H. Sutherland for the Petitioner.

Gerrit W. Clason,

Appellant,

517 vs.

The State of Indiana.

Argued by Mr. William H. Thompson for the Appellant and by Mr. Edward H. Knight and Mr. Rexell A. Boyd for the Appellee.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

486 vs.

Metropolitan Edison Company;

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

487 vs.

Pennsylvania Water & Power Company;

General Gas and Electric Corporation,

Petitioner,

492 vs.

Commissioner of Internal Revenue; and

General Gas and Electric Corporation,

Petitioner,

493 vs.

Commissioner of Internal Revenue.

Argued by Miss Helen R. Carloss for the Commissioner of Internal Revenue; by Mr. Maurice Bower Saul for the Respondent in No. 486 and the Petitioner in Nos. 492 and 493; and by Mr. Edwin M. Sturtevant for the Respondent in No. 487.

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Proclamation being made the Court is adjourned until Monday, March 13, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

Honorable James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts, Associate Justices.
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that George E. Holt, Esquire, of Miami, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that Walter E. Gallagher, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that Dawson Hall, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert R. Grossman, It is ordered that Frank A. Chichetto, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Fred C. Gilchrist, It is ordered that Lester C. Davidson, Esquire, of Sioux City, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Roy Smith, It is ordered that F. A. Knight, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. I. Irwin Bolotin, It is ordered that Ruben K. Klainer, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Neale, It is ordered that George W. Luedeke, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Donnally, It is ordered that Fred Nash Oliver, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Moultrie Hitt, It is ordered that Lynne Anderson Warren, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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State of Texas,

Complainant,

11, Original vs.

State of Florida, et al.

THIS CAUSE came on to be heard on the pleadings, Report of the Special Master, and Defendants' exceptions thereto, and was argued by counsel.

On consideration whereof, IT IS ORDERED and adjudged by this Court as follows: The Report of the Special Master is confirmed. The substance of the Special Master's recommendation for a decree will be adopted and

the parties may submit a proposed form of decree.

Per Mr. Justice Stone.

Separate opinion by Mr. Justice Frankfurter in which Mr. Justice Black concurs.

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Mr. Justice McReynolds said:

"The orders of the Court, properly certified, appear upon the list filed with the Clerk and will not be announced orally."

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Joseph Poresky,

Petitioner,

—— vs.

Joseph B. Ely, Governor, et al.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

John M. Taylor, et al., as the Independent Committee for the Protection of the Holders of Preferred Stock of Deep Rock Oil Corporation,

Petitioners,

312 vs.

Standard Gas and Electric Company, et al.

The opinion of the Court announced February 27, 1939, is amended in the following particulars:

In the next to the last line, and the last line, of the first full paragraph on page 4 the words "to be assumed by the new company and", and the word "debentures" are stricken out and, at the end of the sentence, the words "debtor's notes" are to be inserted so that the sentence

will read: "Standard's claim to the extent of $3,500,000 was to stand on a parity with the debtor's notes."

Per Mr. Justice McReynolds.

The United States of America,
Appellant,
687 vs.
Neal Powers and Rene Allred.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Justice McReynolds.

The United States of America,
Appellant,
696 vs.
Jack Miller and Frank Layton.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Justice McReynolds.

American Toll Bridge Company,
Appellant,
704 vs.
Railroad Commission of the State of California, et al.

The statement of jurisdiction, opposition thereto, and motion to dismiss or affirm in this case having been submitted and considered by the Court, probable jurisdiction is noted. The motion to dismiss or affirm is denied.

Per Mr. Justice McReynolds.

L. W. Baldwin and Guy A. thompson,
as Trustees of Missouri Pacific
Railroad Company,

Petitioner,

650 vs.

Scott County Milling Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Missouri is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

William McCrone,

Petitioner,

660 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

The United States of America,

Petitioner,

627 vs.

Automobile Financing, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is assigned for argument immediately following No. 10.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Harry A. Woodring, Secretary of War, et al.,

Petitioners,

628 vs.

Justus B. Wardell, Receiver, District National Bank of Washington, D. C.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Mr. Justice Reed took no part in the consideration and decision of this application.

Inland Waterways Corporation, et al.,

Petitioners,

629 vs.

Cary H. Hardee, Receiver of Commercial National Bank of Washington, D. C.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Mr. Justice Reed took no part in the consideration and decision of this application.

General Electric Supply Corporation,

Petitioner,

661 vs.

The Maytag Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is assigned for argument immediately following Nos. 76 and 77.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Fidelity & Columbia Trust Company, as Executor of the Estate of Catherine E. Nugent, Deceased,

Petitioner,

658 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Mr. Justice Reed took no part in the consideration and decision of this application.

The Farmers' Loan and Trust Company, as Trustee Under a Deed of Trust Made by William Waldorf Astor, etc., et al.,

Petitioners,

614 vs.

Frank Collis Bowers, as Executor of the Last Will and Testament of Frank K. Bowers, Deceased, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Mr. Justice Reed took no part in the consideration and decision of this application.

The Farmers' Loan and Trust Company, as Trustee Under a Deed of Trust Made by William Waldorf Astor, etc., et al.,

Petitioners,

615 vs.

Frank Collis Bowers, as Executor of the Last Will and Testament of Frank K. Bowers, Deceased, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Mr. Justice Reed took no part in the consideration and decision of this application.

George D. Wick and Walter A. Bonitz, Trustees of Pressed Steel Car Company of New Jersey, Debtor,

Petitioners,

630 vs.

State of New Jersey.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Joseph G. Large and G. Elwyn Large, as Executors of the Estate of George E. Large, Deceased,

Petitioners,

632 vs.

Edna R. Shively.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Duquesne Club,
Petitioner,
635 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Percival H. Troutman,
Petitioner,
640 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Ralph L. Young,
Petitioner,
641 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Harry W. Martin, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

644

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Carl Ernest Brown, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

645

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Jack Herring, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

646

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Porter Allbee,

Petitioner,

647 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Andrew Berns,

Petitioner,

648 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Pacific Mutual Life Insurance Company of California,

Petitioner,

657 vs.

Lula Goss, as Administratrix of the Estate of J. B. Goss, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

City of Springfield, et al., Petitioners, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

662

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

George S. Hawke, Petitioner, vs. Servicised Products Corporation, Edward S. Gillette, Joseph Rubin, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

664

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Texas Cities Gas Company, Petitioner, vs. City of El Paso, et al. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

665

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Lehigh Valley Railroad Company of New Jersey, et al.,

Petitioners,

667 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Central Railroad Company of New Jersey,

Petitioner,

668 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Central Railroad of New Jersey,

Petitioner,

669 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Delaware, Lackawanna & Western Railroad Company,

Petitioner,

670 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

New York Central Railroad Company,

Petitioner,

671 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

New Jersey and New York Railroad Company,

Petitioner,

672 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

New York, Susquehanna & Western Railroad Company,

Petitioner,

673 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Erie Railroad Company,

Petitioner,

674 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Lehigh Valley Railroad Company,

Petitioner,

675 vs.

J. H. Thayer Martin, State Tax Commissioner of the State of New Jersey, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Louise E. Green,
Petitioner,
686 vs.
George W. Green.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Washingtonian Publishing Company, Inc.,
Petitioner,
222 vs.
Drew Pearson, Robert S. Allen, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Eastern Shore Public Service Company, et al.,
Appellants,
489 vs.
The Town of Seaford.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Manning Strewl, John Joseph Oley, et al.,

Petitioners,

636 vs.

The United States of America.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

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Willie Eva Simmons,

Appellant,

643 vs.

The Board of Education of the City of Muskogee of the State of Oklahoma, et al.

ON CONSIDERATION of the motion by counsel for the Appellees that the mandate in this case issue forthwith,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the mandate herein issue forthwith.

Per Mr. Justice McReynolds.

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Proclamation being made the Court is adjourned until Monday, March 27, next, at 12 o'clock.

MONDAY, MARCH 27, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

Honorable James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry F. Ashurst, It is ordered that

Frank W. Beer, Esquire, of Phoenix, State of Arizona; and

Hugo B. Farmer, Esquire, of Yuma, State of Arizona;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that

Aaron Boris Holman, Esquire, of New York, State of New York; and

Clarence Hansen, Esquire, of Los Angeles, State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Arthur Anderson, It is ordered that Paul J. Kaveney, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald H. McLean, It is ordered that Albert L. Vreeland, Esquire, of East Orange, State

of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis E. Walter, It is ordered that

Irving W. Coleman, Esquire, of Northampton,
State of Pennsylvania; and

Joseph E. Gehringer, Esquire, of Allentown,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clyde T. Ellis, It is ordered that

Elizabeth Strain Decker, of Rogers,
State of Arkansas; and

Suzanne Chalfant Lighton, of Fayetteville,
State of Arkansas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Dondero, It is ordered that John William Coury, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence J. McLeod, It is ordered that Francis Michael Dodge, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene C. Brokmeyer, It is ordered that

Jacob Reck, Esquire, of Union City,
State of New Jersey; and

Walter E. Warner, Jr., Esquire, of Brooklyn,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer J.

Ryan, It is ordered that J. Norman Peterson, Esquire, of Long Prairie, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Virgil M. Chapman, It is ordered that J. E. Marks, Esquire, of Lexington, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Meredith M. Daubin, It is ordered that Rayford W. Lemley, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh Slater Wertz, It is ordered that Ralph T. Holcomb, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Stephen McKevett Farrand, It is ordered that

Knox Farrand, Esquire, of Los Angeles,
State of California; and

Frank Randolph Karr, Esquire, of Los Angeles,
State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Roy Smith, It is ordered that

Harlan V. Boyer, Esquire, of Long Beach,
State of California; and

Lynn O. Hossom, Esquire, of Long Beach,
State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. B. Robinson, It is ordered that Clyde M. Leach, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Alexander Kluttz, It is ordered that George Gilbert Rhoades, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elwood Hansmann, It is ordered that Eliot Edson Overdorf, Esquire, of Lake Forest, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. A. Logan Stephenson, It is ordered that A. F. Moss, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that I. Robert Broder, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hugh H. Obear, It is ordered that Stuart T. Saunders, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight L. Savage, It is ordered that John A. Naghten, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Martin G. White, It is ordered that Homer C. DeWolfe, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald Macleay, It is ordered that George R. Call, Esquire, of Sioux City, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert K. McConnaughey, It is ordered that Harold F. Demann, Esquire, of Dayton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ames M. Mathews, It is ordered that James H. Oakley, Esquire, of Oakland, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Frank O. Lowden, James E. Gorman and Joseph B. Fleming, Trustees, Chicago, Rock Island and Pacific Railway Company,

Petitioners,

342 vs.

Simonds-Shields-Lonsdale Grain Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Missouri for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Rafael Sancho Bonet, Treasurer of Puerto Rico,

Petitioner,

498 vs.

Yabucoa Sugar Company.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court as follows: The judgment of the Circuit Court of Appeals is reversed with costs and the complaint in the district court of Puerto Rico must stand dismissed as ordered by that court and affirmed by the Supreme Court of Puerto Rico.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the Supreme Court of Puerto Rico for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

The State Tax Commission of Utah, et al.,

Petitioners,

491 vs.

W. Q. VanCott.

On writ of certiorari to the Supreme Court of the State of Utah.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Utah, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, vacated with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

The Chief Justice took no part in the consideration or decision of this case.

Mark Graves, John J. Merrill and John P. Hennessy, as Commissioners Constituting the State Tax Commission of the State of New York,

Petitioners,

478 vs.

The People of the State of New York, Upon the Relation of James B. O'Keefe.

On writ of certiorari to the Supreme Court of the State of New York, Albany County.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, Albany County, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Chief Justice Hughes concurs in the result.

Concurring opinion by Mr. Justice Frankfurter.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds joins.

Pacific Employers Insurance Company,
Petitioner,
158 vs.
Industrial Accident Commission of the State of California and Kenneth Tator.

On writ of certiorari to the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Stone.

Mr. Justice Frankfurter took no part in the consideration or decision of this case.

Ignatius Lanzetta, Michael Falcone and Louie Del Rossi,
Appellants,
308 vs.
The State of New Jersey.

Appeal from the Court of Errors and Appeals of the State of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Errors and Appeals of the State of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged

by this Court that the judgment of the said Court of Errors and Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Court of Errors and Appeals for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Butler.

Mr. Justice Frankfurter took no part in the consideration or decision of this case.

Ray L. Chesebro,
Appellant,
vs.
Los Angeles County Flood Control District, et al.

Appeal from the Supreme Court of the State of California.

368

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Butler.

Douglas Fairbanks,
Petitioner,
vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

65

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Justice McReynolds.

Gerrit W. Clason,

Appellant,

517 vs.

The State of Indiana.

Appeal from the Supreme Court of the State of Indiana.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Indiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice McReynolds.

H. V. B. Smith, C. D. Rafferty and H. S. McCormick, Co-partners Trading and Doing Business Under the Firm Name and Style of H. J. Baker & Bro.,

548 vs.

Motorship "Ferncliff" and Glittre Aktieselskabet and Fearnley & Eger.

On a certificate from the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on a certificate from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is the opinion of this Court that the first question certified must be answered Yes where there has been no fraud or imposition; that the second question must be answered Yes; and that the third question must be answered No.

WHEREUPON, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice McReynolds.

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Mr. Justice McReynolds announced the following orders of the Court:

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Paramount Pictures, Inc., Minnesota Amusement Company and American Amusement Company,

Appellants,

vs.

William A. Langer, Individually and as Governor of the State of North Dakota, et al.

Appeal from the District Court of the United States for the District of North Dakota.

567

It appearing to the Court that counsel for the Appellants has filed a motion to reverse the decree of the specially constituted District Court in this cause and to remand the cause with directions to dismiss the bill of complaint upon the ground that the cause is moot;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said motion be, and the same is hereby granted.

IT IS FURTHER ORDERED, adjudged, and decreed that the decree of the specially constituted District Court in this cause be, and the same is hereby, reversed, without costs to either party in this Court; and that this cause be, and the same is hereby, remanded to the said District Court with directions to dismiss the proceeding on the ground that the cause has become moot, without prejudice to an application by either party to the specially constituted District Court for an award of costs in that Court.

Per Mr. Justice McReynolds.

Paramount Pictures, Inc., Minnesota Amusement Company and American Amusement Company,

Appellants,

vs.

Alvin C. Strutz, Individually and as Attorney General of the State of North Dakota.

Appeal from the District Court of the United States for the District of North Dakota.

568

It appearing to the Court that counsel for the Appellants has filed a motion to reverse the decree of the specially constituted District Court in this cause and to remand the cause with directions to dismiss the bill of complaint upon the ground that the cause is moot;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said motion be, and the same is hereby, granted.

IT IS FURTHER ORDERED, adjudged, and decreed that the decree of the specially constituted District Court in this cause be, and the same is hereby, reversed, without costs to either party in this Court; and that this cause be, and the same is hereby, remanded to the said District Court with directions to dismiss the proceeding on the ground that the cause has become moot, without prejudice to an application by either party to the specially constituted District Court for an award of costs in that court.

Per Mr. Justice McReynolds.

William H. Griffin, Jr., Appellant,	Appeal from the Appellate Division of the Supreme Court of the State of New York, First Judicial Depart-
586 vs.	ment.
The Appellate Division of the Supreme Court of the State of New York, First Judicial Department, and the Association of the Bar of the City of New York.	

THIS CAUSE came on to be heard on the transcript of the record from the Appellate Division of the Supreme Court of the State of New York, 1st Judicial Department, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction, since it appears that at the time the appeal was allowed the judgment of the court below was not final.

Per Mr. Justice McReynolds.

O R D E R

The Court will take a recess from Monday, April 3, until Monday, April 17 next.

Mr. Justice McReynolds said:

"The orders of the Court, properly certified, appear upon the list filed with the Clerk and will not be announced orally."

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In the Matter of the Disbarment
of William H. Griffin.

It appearing from the records in William H. Griffin, Jr., Appellant, v. The Appellate Division of the Supreme Court of the State of New York, etc., et al., No. 506, October Term, 1938, and in William H. Griffin, Jr., Petitioner, v. The Appellate Division of the Supreme Court of the State of New York, etc., et al., No. 698, October Term, 1938, that William H. Griffin, of New York, N. Y., a member of the Bar of this Court, has been disbarred from the practice of law in the courts of New York by order of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department;

IT IS ORDERED that the said William H. Griffin be, and he is hereby, suspended from the practice of law in this Court, and that, pursuant to Rule 2, paragraph 5, of the Rules of this Court, a rule issue returnable within forty (40) days requiring the said William H. Griffin to show cause why he should not be disbarred from the practice of law in this Court.

Per Mr. Justice McReynolds.

Wright E. Harris,

Petitioner,

---- vs.

National Mediation Board.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

City of Texarkana, Texas,

Petitioner,

294 vs.

Arkansas Louisiana Gas Company.

The motion of Petitioner, City of Texarkana, Texas, to amend the decree herein of February 6, 1939, is granted.

Said decree is amended by adding at the end thereof the following paragraph, to wit:

"It is further ordered that the decree of the United States District Court for the Eastern District of Texas, filed herein on July 31, 1937, be reversed in so far as it held that Section IX of the franchise was not applicable to the period prior to December 1, 1933."

Per Mr. Justice McReynolds.

The decree in this case, dated February 6, 1939, as amended, to read as follows:

City of Texarkana, Texas,

Petitioner,

294 vs.

Arkansas Louisiana Gas Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Texas for further proceedings in conformity with the opinion of this Court.

AND IT IS FURTHER ORDERED that the decree of the United States District Court for the Eastern District of Texas, filed herein on July 31, 1937, be reversed in so far as it held that Section IX of the franchise was not applicable to the period prior to December 1, 1933.

Per Mr. Justice Reed.

Mr. Justice McReynolds and Mr. Justice Butler are of opinion that the decision of the Circuit Court of Appeals is right and that its decree should be affirmed.

Mr. Justice Frankfurter took no part in the consideration or decision of this case.

The United States of America,

Petitioner,

391 vs.

Elizabeth C. Jacobs, Executrix, etc.

ON CONSIDERATION of the motion to set aside the judgment in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Oral V. McManus,

Petitioner,

654 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Oral V. McManus,

Petitioner,

654 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Frank T. Kontovich,

Petitioner,

684 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Frank T. Kontovich,

Petitioner,

684 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

John L. Armstrong, as Executor, etc.,

Petitioner,

711 vs.

The City of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

John L. Armstrong, as Executor, etc.,

Petitioner,

711 vs.

The City of New York.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Earl S. Cowen,

Petitioner,

739

The State of California, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Earl S. Cowen,

Petitioner,

739 vs.

The State of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

George W. Eason,

Petitioner,

740 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

George W. Eason,

Petitioner,

740 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Ziffrin, Incorporated,

Appellant,

695 vs.

James W. Martin, Commissioner of Revenue of the Commonwealth of Kentucky, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Justice McReynolds.

William Jameson & Company, Inc.,

Appellant,

717 vs.

Henry Morgenthau, Jr., Secretary of the Treasury of the United States, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in this case is postponed to the hearing of the case on the merits.

Per Mr. Justice McReynolds.

State of Mississippi, ex rel. Greek L. Rice, Attorney General, et al.,

Appellants,

742 vs.

The United States of America, et al.

The statement of jurisdiction and motion to advance in this case having been submitted and considered by the Court, probable jurisdiction is noted. The motion to advance is granted and the case is assigned for argument on Monday, April 24th, next.

Per Mr. Justice McReynolds.

The United States of America,

Appellant,

771 vs.

Rock Royal Co-operative, Inc., et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted. The case is assigned for argument on Monday, April 24th, next, after the case heretofore assigned for that day.

Per Mr. Justice McReynolds.

Horton C. Rorick,

Petitioner,

676 vs.

Devon Syndicate, Limited.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Howard S. Palmer, James Lee Loomis and Henry B. Sawyer, Trustees, etc.,

Petitioners,

685 vs.

The Commonwealth of Massachusetts.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Royal Indemnity Company,

Petitioner,

708 vs.

Woodbury Granite Company, Inc., and American Blower Corporation.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Standard Brands, Incorporated,

Petitioner,

Order allowing certiorari.

701 vs.

National Grain Yeast Corporation.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted, limited to the question of the validity of Hayduck Patents Nos. 1,449,103; 1,449,105; and 1,449,106.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

H. P. Hood & Sons, Inc., and Noble's Milk Company,

Petitioners,

Order allowing certiorari.

772 vs.

The United States of America and Henry A. Wallace, Secretary of Agriculture.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is assigned for argument immediately following No. 771.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Whiting Milk Company,

Petitioner,

Order allowing certiorari.

809 vs.

The United States of America and Henry A. Wallace, Secretary of Agriculture.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is assigned for argument immediately following No. 772.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Guy A. Thompson, as and Only as Trustee of Missouri Pacific Railroad Company,

Petitioner,

682 vs.

Terminal Shares, Inc., John P. Murphy, Henry A. Marting, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Mr. Justice Reed took no part in the consideration and decision of this application.

George A. Tomlinson, Alva Bradley and John Sherwin, Jr.,

Petitioners,

736 vs.

Guy A. Thompson, as and Only as Trustee of Missouri Pacific Railroad Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Mr. Justice Reed took no part in the consideration and decision of this application.

Pietro Lucchi, Morris Reiss and Isaac B. Hertzberg,

Petitioners,

634 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The United States of America,

Petitioner,

655 vs.

International Fur Workers Union of United States and Canada, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Union Joint Stock Land Bank of Detroit, Michigan,

Petitioner,

649 vs.

Isaac Leslie Byers, Joel Freeman Byers, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Coos (or Kowes) Bay, Lower Umpqua (Kalawatset) and Siuslaw Indian Tribes,

Petitioners,

653 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Hamilton National Bank of Chattanooga,

Petitioner,

659 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

D. G. Jacobs,

Petitioner,

663 vs.

Merchants Fire Assurance Corporation of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Philip W. Lowry,
Petitioner,
677 vs.
Harry H. Woodring, Secretary of War.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Thrash Lease Trust,
Petitioner,
681 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Paul Kent, Receiver of the Chattanooga National Bank,
Petitioner,
683 vs.
Cleveland National Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Sam R. Beard,

Petitioner,

688 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Julius P. Holmes,

Petitioner,

691 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Texas and Pacific Railway Company and Gulf, Colorado and Santa Fe Railway Company,

Petitioners,

689 vs.

Sonken-Galamba Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Nordred Realties, Inc.,
Petitioner,
697 vs.
"John" Langley.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

It is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

William H. Griffin, Jr.,
Petitioner,
698 vs.
The Appellate Division of the Supreme Court of the State of New York, First Judicial Department, and the Association of the Bar of the City of New York.

On petition for writ of certiorari to the Appellate Division of the Supreme Court of the State of New York, First Judicial Department.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Southern Pacific Company,
Petitioner,
699 vs.
C. W. Hosman.

On petition for writ of certiorari to the District Court of Appeal of the State of California, First Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, First Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Claire W. Kite, Administratrix C. T. A. Estate of Harry A. Kite,

Petitioner,

703 vs.

Adolph M. Fishel.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Zenith Radio Corporation,

Petitioner,

727 vs.

Hazeltine Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Ex parte Albert Leighton,

Petitioner.

—, Original.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The United States of America,

Petitioner,

360 vs.

Charles P. Towery, in His Own Right and as Administrator of the Estate of Robert C. Towery, Deceased.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The United States of America, on the relation of John W. Cromwell,

Petitioner,

588 vs.

Marion Wade Doyle, President, Board of Education, etc., et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

In the Matter of Clayton C. Gilliland,

Petitioner.

600

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Edward P. Harris, as President of
the Calcocraft,

Petitioner,

620 vs.

National Labor Relations Board.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Texas Cities Gas Company,

Petitioner,

665 vs.

City of El Paso, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

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Mark O. Davis,

Petitioner,

16 vs.

Maude E. Davis.

Motion for recall and clarification of mandate submitted by Mr. Joseph T. Sherier for the Petitioner.

Newark Fire Insurance Company,

Appellant,

449 vs.

State Board of Tax Appeals, et al.

Motion of Sun Oil Company for leave to file brief as amicus curiae submitted by Mr. George W. C. McCarter.

Newark Fire Insurance Company,

Appellant,

449 vs.

State Board of Tax Appeals, et al.

ON CONSIDERATION of the motion of Sun Oil Company for leave to file a brief as amicus curiae in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Fidelity & Casualty Company of New York,

Petitioner,

752 vs.

Fred A. Paddleford, et al.; and

Hartford Accident & Indemnity Company,

Petitioner,

753 vs.

Fred A. Paddleford, et al.

Motion for leave to file brief as amicus curiae submitted by Mr. Wm. A. Schnader.

Fidelity & Casualty Company of New York,

Petitioner,

752 vs.

Fred A. Paddleford, et al.; and

Hartford Accident & Indemnity Company,

Petitioner,

753 vs.

Fred A. Paddleford, et al.

ON CONSIDERATION of the motion of Mr. Wm. A. Schnader for leave to file a brief as amicus curiae in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

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Ray Ingels, as Director of the Department of Motor Vehicles of the State of California, et al.,

Appellants,

534 vs.

Paul Gray, Inc., et al.

Motion to substitute party appellant submitted by Mr. Everett W. Mattoon for the appellees.

Ray Ingels, as Director of the Department of Motor Vehicles of the State of California, et al.,

Appellants,

534 vs.

Paul Gray, Inc., et al.

ON CONSIDERATION of the motion of counsel for the Appellees to substitute Frank W. Clark, present Director of the Department of Motor Vehicles of the State of California, as a party Appellant in the place and stead of Ray Ingels, resigned,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Justice McReynolds.

Frank W. Clark, as Director of the Department of Motor Vehicles of the State of California, et al.,

Appellants,

534 vs.

Paul Gray, Inc., et al.

Argued by Mr. Amos M. Mathews for the Appellants and by Mr. Everett W. Mattoon for the Appellees.

John Carrier and J. Harvey Carpenter, Guardian of John Carrier, Incompetent Veteran,

Petitioners,

541 vs.

Curley Bryant.

Argument commenced by Mr. John W. Wood for the Petitioners.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

Honorable James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Jas. Hamilton Lewis, It is ordered that

Archibald A. McKinley, Esquire, of Chicago,
State of Illinois; and

George F. Callaghan, Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that

Edward A. Compton, Esquire, of Fort Worth,
State of Texas;

Ed Gossett, Esquire, of Wichita Falls,
State of Texas; and

Benj. L. Bird, Esquire, of Fort Worth,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther A. Johnson, It is ordered that

Felix Atwood, Esquire, of Ennis,
State of Texas; and

Leland M. Rennolds, Esquire, of Mexia,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Thaddeus Clark, It is ordered that Clarence Yanofsky, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that H. Fred Martin, Jr., Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur Carnduff, It is ordered that Arthur H. Carnduff, Esquire, of Washington, District of Columbia, be admitted to practife as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warner W. Gardner, It is ordered that Milton Solomon, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Franklin Clyde Baggarly, It is ordered that Clyde M. Madley, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Jenkins Petroleum Process Company,

Petitioner,

510 vs.

Sinclair Refining Company.

Motion for leave to file a second petition for rehearing submitted by Mr. Paul P. Myers for the petitioner.

Sam R. Beard,

Petitioner,

688 vs.

Joseph W. Sanford, Warden, etc.

Motion to withhold order denying petition for certiorari submitted by Mr. James P. Laughlin for the Petitioner.

Sam R. Beard,

Petitioner,

688 vs.

Joseph W. Sanford, Warden, United States Penitentiary, Atlanta, Georgia.

ON CONSIDERATION of the motion of counsel for the Petitioner to stay the order denying a petition for writ of certiorari in this case,

IT IS ORDERED by this Court that the order denying a petition for writ of certiorari be withheld, conditioned on the filing of a petition for rehearing within ten days.

Per Mr. Justice McReynolds.

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John Carrier and J. Harvey Carpenter, Guardian of John Carrier, Incompetent Veteran,

Petitioners,

541 vs.

Curley Bryant.

Argument continued by Mr. John W. Wood for the Petitioners; by Mr. Frederick D. Hamrick, Jr., for the Respondent; and concluded by Mr. John W. Wood for the Petitioners.

Lottie F. Sprague,

Petitioner,

543 vs.

Ticonic National Bank, et al.

Argued by Mr. Harvey D. Eaton for the Petitioner and by Mr. George P. Barse for the Respondents.

The United States of America,

544 vs. (Certificate)

Edward H. Marxen, Trustee, etc.

Argued by Mr. Assistant Attorney General Whitaker for the United States and by Mr. Clarence Hansen for Marxen, Trustee, etc.

H. C. Rorick, Joseph R. Grundy, et al.,

Appellants,

554 vs.

Board of Commissioners of Everglades Drainage District, etc., et al.

Argument commenced by Mr. William Roberts for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

Honorable James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts, Associate Justices.
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Calvert Magruder, Esquire, of Annapolis, State of Maryland; and

Ralph P. Huff, Esquire, of Chevy Chase, State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank J. Wideman, It is ordered that Fred. H. Kent, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Phil D. Swing, It is ordered that Samuel Taylor, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Roy Smith, It is ordered that Wm. O. Wanzer, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Wallace Collins, It is ordered that

Louis Ferrari, Esquire, of San Francisco,
State of California;

George David Schilling, Esquire, of San Francisco,
State of California; and

Lawrence Mario Giannini, Esquire, of San Francisco,
State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard G. Radue, It is ordered that William E. Elliott, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Herbert S. Ward, It is ordered that George J. Eder, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter Wyatt, It is ordered that B. Magruder Wingfield, Esquire, of Charlottesville, State of Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Ignatius Lanzetta, Michael Falcone,
et al.,

Appellants,

308 vs.

The State of New Jersey.

Motion for the immediate issuance of mandate submitted by Mr. Samuel Kagle for the Appellants.

Ignatius Lanzetta, Michael Falcone, et al.,

Appellants,

308 vs.

The State of New Jersey.

ON CONSIDERATION of the motion of counsel for the Appellants for the immediate issuance of the mandate in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the mandate in this case issue forthwith.

Per Mr. Justice McReynolds.

Santa Monica Mountain Park Company, Ltd.,

Petitioner,

606 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

It appearing to the Court that counsel for the respective parties have filed a stipulation to dismiss the writ of certiorari in this case with prejudice;

Therefore, in pursuance of said stipulation, IT IS ORDERED by this Court that the writ of certiorari in this case be, and the same is hereby, dismissed, with prejudice; and that this case be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice McReynolds.

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H. C. Rorick, Joseph R. Grundy, et al.,

Appellants,

554 vs.

Board of Commissioners of Everglades Drainage District, etc., et al.

Argument continued by Mr. William Roberts for the Appellants; by Mr. Clarence G. Ashby for the Appellee, Board of Commissioners; by Mr. Tyrus A. Norwood for the Appellees, Trustees of Internal Improvement Fund; and concluded by Mr. Marvin C. McIntosh for the Appellees, Trustees of Inter-

Atlas Life Insurance Company,

598 vs. (Certificate)

W. I. Southern, Incorporated.

Submitted by Mr. Elmer J. Lundy and Mr. Logan Stephenson for Atlas Life Insurance Company, and by Mr. Austin Flint Moss for W. I. Southern, Incorporated.

Southern Pacific Company,

Petitioner,

613 vs.

The United States.

Argued by Mr. James R. Bell for the Petitioner and by Mr. Assistant Attorney General Whitaker for the Respondent.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

Honorable James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts, Associate Justices.
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Ira H. Rowell, It is ordered that Hal F. Wiggins, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence J. McLeod, It is ordered that Anthony A. Esperti, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solomon H. Feldman, It is ordered that Nathan M. Lubar, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard Bernstein, It is ordered that Joseph B. Friedman, Esquire, of Caldwell, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tracy L. Jeffords, It is ordered that

John Ridley Shields, Esquire, of Hyattsville,
State of Maryland; and

Martin Samuel Vilas, Esquire, of Burlington,
State of Vermont;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harold B. Teegarden, It is ordered that Claude H. McFadden, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Norman J. Morrisson, It is ordered that Maurice W. Fillius, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edgar Tremlett Fell, It is ordered that Paul H. Luten, Esquire, of Waverly, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond T. Nagle, It is ordered that William R. Sherwood, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Chippewa Indians of Minnesota,

Appellant,

666 vs.

The United States.

Three hours allowed for oral argument.

Argued by Mr. Donald S. Holmes for the Appellants and by Mr. Raymond T. Nagle for the Appellee.

William McCrone,

Petitioner,

660 vs.

The United States of America.

Argued by Mr. H. Lowndes Maury for the Petitioner and by Mr. Paul A. Freund for the Respondent.

The United States of America,

Appellant,

696 vs.

Jack Miller and Frank Layton.

Argued by Mr. Gordon Dean for the Appellant. No appearance for the Appellees.

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Proclamation being made the Court is adjourned until Monday, April 3, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

Honorable James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts, Associate Justices.
Hugo L. Black,
Stanley Reed,
Felix Frankfurter.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that John T. Pigott, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that M. Joseph Matan, Esquire, of Johnstown, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert S. Hume, It is ordered that James A. Martin, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Luther A. Johnson, It is ordered that Quentin Keith, Esquire, of Port Arthur, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Edward Royer, It is ordered that Newell K. Ricks, Esquire, of Twin Falls, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Fahy, It is ordered that Mortimer B. Wolf, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard F. Bresee, It is ordered that Wendell E. Cable, Esquire, of Alta, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence Lewis, It is ordered that

Laura M. Stanley, of Portland,
State of Maine; and

Robert L. Gee, Esquire, of Fairplay,
State of Colorado;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Russell Riordon, It is ordered that Theodore Greve, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Austin Stone, It is ordered that Elmer Stewart, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William R. Vallance, It is ordered that Lloyd Wilbert Wineberg, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur L. Quinn, It is ordered that F. Fernandez Cuyar, Esquire, of San Juan, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Timothy T. Ansberry, It is ordered that Carleton C. Reiser, Esquire, of Grand Rapids, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Albert Woll, It is ordered that A. Walton Hall, Esquire, of Atlanta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick E. Campbell, It is ordered that Lewis S. Udelson, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Thaddeus Clark, It is ordered that Simon B. Stein, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel W. McIntosh, It is ordered that Kirk E. Boone, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that Arthur L. Jerome, Esquire, of Wilkinsburg, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. D. McKenney, It is ordered that Albert E. L. Gardner, Esquire, of Clayton, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore Francis Green, It is ordered that John J. Cooney, Esquire, of Providence, State of Rhode Island, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

486 vs.

Metropolitan Edison Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

487 vs.

Pennsylvania Water & Power Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Roberts.

General Gas and Electric Corporation, Petitioner, vs. Commissioner of Internal Revenue. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

492

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

General Gas and Electric Corporation, Petitioner, vs. Commissioner of Internal Revenue. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

493

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

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Mr. Justice McReynolds said:

"The orders of the Court, properly certified, appear upon the list filed with the Clerk and will not be announced orally."

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Ex parte J. C. Donnelly,

Petitioner.

—, Original.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Utah Fuel Company, Independent Coal and Coke Company, Liberty Fuel Company, et al.,

Petitioners,

528 vs.

National Bituminous Coal Commission, et al.

IT IS ORDERED that the decree entered in this case on January 30, 1939, be amended by striking out the third paragraph and substituting the following:

"On consideration whereof, It is ordered, adjudged, and decreed by this Court that the decree of the said Court of Appeals affirming the decree of the District Court of the United States for the District of Columbia dismissing the bill be, and the same is hereby, affirmed upon the grounds stated in the opinion of this Court."

IT IS FURTHER ORDERED that the mandate in this case be recalled and amended in accordance with this order.

Per Mr. Justice McReynolds.

The decree in this case, dated January 30, 1939, as amended, to read as follows:

Utah Fuel Company, Independent Coal and Coke Company, Liberty Fuel Company, et al.,

Petitioners,

528 vs.

National Bituminous Coal Commission, et al.

On writ of certiorari to the United States Court of Appeals for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said Court of Appeals affirming the decree of the District Court of the United States for the District of Columbia dismissing the bill be, and the same is hereby, affirmed upon the grounds stated in the opinion of this Court.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia.

Per Mr. Justice McReynolds.

Concurring: Mr. Justice Black.

Mark O. Davis,

Petitioner,

16 vs.

Maude E. Davis.

ON CONSIDERATION of the motion of the Petitioner to recall the mandate in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Kim Young,

Appellant,

715 vs.

The People of the State of California.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice McReynolds.

Kim Young,

Appellant,

715 vs.

The People of the State of California.

The statement of jurisdiction and motion to dismiss or affirm in this case having been submitted and considered by the Court, probable jurisdiction is noted. The motion to dismiss or affirm is denied. The case is assigned for argument immediately following No. 707.

Per Mr. Justice McReynolds.

George W. O'Malley, Individually and as Collector of Internal Revenue,

Appellant,

810 vs.

Joseph W. Woodrough and Ella B. Woodrough.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Justice McReynolds.

Holton V. Noyes, as Commissioner of Agriculture and Markets of the State of New York,

Appellant,

826 vs.

Rock Royal Co-operative, Inc., et al.;

Dairymen's League Co-Operative Association, Inc.,

Appellant,

827 vs.

Rock Royal Co-operative, Inc., et al.; and

Metropolitan Co-operative Milk Producers Bargaining Agency, Inc.,

Appellant,

828 vs.

Rock Royal Co-operative, Inc., et al.

The statement of jurisdiction in these cases having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Justice McReynolds.

Clara Schneider,

Petitioner,

Order allowing certiorari.

707 vs.

The State (Town of Irvington).

The petition herein for a writ of certiorari to the Court of Errors and Appeals of the State of New Jersey is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Ford Motor Company,

Petitioner,

748 vs.

Edward Clark, Secretary of State of the State of Texas, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

163 vs.

Wilshire Oil Company, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Mr. Justice Reed took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

164 vs.

Bandini Petroleum Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Mr. Justice Reed took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

165 vs.

Wilshire Annex Oil Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice McReynolds.

Mr. Justice Reed took no part in the consideration and decision of this application.

Mississippi Cottonseed Products Company, et al.,

Petitioners,

700 vs.

A. H. Stone, Tax Commissioner, et al.

On petition for writ of certiorari to the Supreme Court of the State of Mississippi.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Mississippi, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Michael Shapiro,

Petitioner,

705 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Marie L. Walker,

Petitioner,

706 vs.

John W. Walker.

On petition for writ of certiorari to the Supreme Court of the State of Illinois.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Illinois, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Morris Kardon,

Petitioner,

709 vs.

Joseph K. Willing, Receiver of Sixth National Bank of Philadelphia.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Atchison, Topeka and Santa Fe Railway Company,

Petitioner,

710 vs.

The Superior Court of the State of California, in and for the County of Contra Costa, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Kansas City Southern Railway Company,

Petitioner,

712 vs.

Citizens of Westville.

On petition for writ of certiorari to the Supreme Court of the State of Oklahoma.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Oklahoma, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

North Shore Delivery Company,

Petitioner,

714 vs.

Universal Indemnity Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

P. Myklebust, Martin Tvedt and Walter Haage, et al.,

Petitioners,

716 vs.

B. Meidell, Master and Claimant of the M. S. "Estrella", a Motorship.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Mitchell Uwanawich,
Petitioner,
723 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

The Ocean Accident and Guarantee Corporation, Limited,
Petitioner,
725 vs.
Southwestern Bell Telephone Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Tennessee Publishing Company,
Petitioner,
726 vs.
C. O. Carpenter, Receiver of the Holston Union National Bank.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

E. S. Pratt,

Petitioner,

730 vs.

Shell Petroleum Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Wright E. Harris,

Petitioner,

—— vs.

National Mediation Board.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

Milk Control Board of the Commonwealth of Pennsylvania,

Petitioner,

426 vs.

Eisenberg Farm Products.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice McReynolds.

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Proclamation being made the Court is adjourned until Monday, April 17, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Edward Allen MacDuffie, Esquire, of New York, State of New York;

Arnold T. Koch, Esquire, of New York, State of New York;

George Francis Kneip, Esquire, of St. Paul, State of Minnesota; and

William S. Boyle, Esquire, of Reno, State of Nevada;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that

Maurice M. Feuerlicht, Jr., Esquire, of Indianapolis, State of Indiana; and

Thomas P. Lavender, Esquire, of Williamsport, State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Harry Covington, It is ordered that David Sher, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Craig L. Reddish, It is ordered that Samuel J. Melick, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that Joseph T. Votava, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that Ralph B. Lacey, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that Edward M. English, Esquire, of Cleveland, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank A. Chichetto, It is ordered that Francis J. Quirico, Esquire, of Pittsfield, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry N. Paul, Jr., It is ordered that

Wallace D. Newcomb, Esquire, of Philadelphia, State of Pennsylvania; and

John Hogg Austin, Esquire, of Philadelphia, State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. K. Hopkins, It is ordered that Wyman S. Gideon, Esquire, of Austin, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy W. Phillips, It is ordered that Arthur L. Obre, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Percy W. Phillips, It is ordered that Raymond J. Walsh, Esquire, of Hastings on Hudson, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that William Sterling Youngman, Jr., Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer L. McCormick, It is ordered that John Morgan Davis, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Foley, It is ordered that

John A. Gilmore, Esquire, of Iowa City, State of Iowa; and

Ralph H. Dwan, Esquire, of Minneapolis, State of Minnesota;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Orville Zimmerman, It is ordered that Ralph E. Bailey, Esquire, of Sikeston, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George M. Wolcott, It is ordered that Aaron Lasser, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carlton Fox, It is ordered that Lester S. Harrison, Esquire, of Kellogg, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles C. Collins, It is ordered that J. Robert Mengel, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Geo. Whitefield Betts, Jr., It is ordered that George Yamaoka, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Anthony J. Dimond, It is ordered that Joseph W. Kehoe, Esquire, of Seward, Territory of Alaska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Gillespie Jackson, It is ordered that Frank B. Gumsey II, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice said:

"The President, with the advice and consent of the Senate, has appointed William O. Douglas, of Connecticut, to be Associate Justice of this Court. Mr. Douglas is present. The Clerk will read his commission. Mr. Douglas will then take the oath and the Marshal will escort him to his seat upon the bench."

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The Clerk then read the commission as follows:

"FRANKLIN D. ROOSEVELT,
PRESIDENT OF THE UNITED STATES OF AMERICA,

To all who shall see these Presents, Greeting:

KNOW YE; That reposing special trust and confidence in the Wisdom, Uprightness, and Learning of WILLIAM O. DOUGLAS of Connecticut, I have nominated, and, by and with the advice and consent of the Senate, do appoint him an Associate Justice of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said William O. Douglas, during his good behavior.

IN TESTIMONY WHEREOF, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed.

S E A L

Done at the City of Washington this fifteenth day of April, in the year of our Lord one thousand nine hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT.

By the President:
Frank Murphy
Attorney General."

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The oath of office was then administered by the Clerk, and Mr. Justice Douglas was escorted by the Marshal to his seat upon the bench.

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Which said oaths were as follows, viz:

"SUPREME COURT OF THE UNITED STATES
October Term, 1938.

I, WILLIAM O. DOUGLAS, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter.

So help me God.

William O. Douglas

Subscribed and sworn to before
me this seventeenth day of April,
A. D. 1939.

Charles E. Hughes

Chief Justice of the United States."

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"SUPREME COURT OF THE UNITED STATES
October Term, 1938.

I, WILLIAM O. DOUGLAS, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform

all the duties incumbent on me as Associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States.

So help me God.

S E A L William O. Douglas

Subscribed and sworn to before me this seventeenth day of April, A. D. 1939.

Charles Elmore Cropley
Clerk of the Supreme Court of the United States."

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Rochester Telephone Corporation, Appellant, vs. The United States of America and Federal Communications Commission.

481

Appeal from the District Court of the United States for the Western District of New York.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Frankfurter.

Mr. Justice McReynolds concurs in the result.

Separate opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

The United States of America and Interstate Commerce Commission,

Appellants,

vs.

Dan E. Maher, Doing Business as Interstate Busses.

Appeal from the District Court of the United States for the District of Oregon.

432

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Oregon, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Federal Power Commission,

Petitioner,

vs.

Pacific Power & Light Company and Inland Power & Light Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

508

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Frankfurter.

George Couper Gibbs, Individually and as Attorney General of the State of Florida, et al., Appellants,

vs.

Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, et al.

276

Appeal from the District Court of the United States for the Northern District of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Mr. Justice Frankfurter took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Black.

Gene Buck, Individually and as President of the American Society of Composers, Authors and Publishers, et al., Appellants,

vs.

Phil H. Gallagher, Individually and as State Treasurer of the State of Washington, et al.

329

Appeal from the District Court of the United States for the Western District of Washington.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Washington, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court with directions to permit the introduction of evidence relative to the value of the matter in controversy and for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Reed.

Mr. Justice Black dissents.

Mr. Justice Frantfurter took no part in the consideration or decision of this case.

Denis J. Driscoll, Thomas C. Buchanan and Richard J. Beamish, et al.,

Appellants,

509 vs.

Edison Light and Power Company.

Appeal from the District Court of the United States for the Eastern District of Pennsylvania.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Pennsylvania and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Reed.

Concurring opinion by Mr. Justice Frankfurter in which Mr. Justice Black joins.

United States Trust Company of New York, as Executor U/W of George H. Bunker, Deceased,

Petitioner,

453 vs.

Commissioner of Internal Revenue.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals.

Per Mr. Justice Black.

William McCrone,
Petitioner,
660 vs.
The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Montana.

Per Mr. Justice Black.

Chippewa Indians of Minnesota,
Appellant,
666 vs.
The United States.

Appeal from the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims, in this cause, be, and the same is hereby, affirmed.

Per Mr. Justice Roberts.

The Electric Storage Battery Co.,
Petitioner,
441 vs.
Genzo Shimadzu and Northeastern Engineering Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and

* Mandate on No 441 amended May 2, 1939 See p. 811

decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania with directions to dismiss the bill as to patent Nos. 1,584,150 and 1,696,020, and to proceed, in the light of the invalidity of those patents, to determine whether 1,584,-149 is valid and infringed.

Per Mr. Justice Roberts.

Eugene Kessler, District Director of Immigration and Naturalization,

Petitioner,

330 vs.

Joseph George Strecker.

On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

UPON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Louisiana with instructions to proceed in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice McReynolds in which Mr. Justice Butler joins.

James H. Mulford, et al.,

Appellants,

505 vs.

Nat Smith, et al.

Appeal from the District Court of the United States for the Middle District of Georgia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Middle District of Georgia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Roberts.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds concurs.

Atlas Life Insurance Company,

598 vs. (Certificate)

W. I. Southern, Incorporated.

On certificate from the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on certificate from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the certificate herein, be, and the same is hereby, dismissed, costs in this Court to be equally divided as provided in paragraph 4 of Rule 32.

Per Mr. Justice Stone.

David T. Wilentz, J. M. Thayer-Martin and Walter R. Darby, etc., et al.,

Appellants,

448 vs.

Sovereign Camp, Woodmen of the World.

Appeal from the District Court of the United States for the District of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the appeal herein be, and the same is hereby, dismissed with costs to appellants.

Per Mr. Justice Stone.

Frank W. Clark, as Director of the Department of Motor Vehicles of the State of California, et al.,

Appellants,

534 vs.

Paul Gray, Inc., Al Asher, and Hirsch Mercantile Company, et al.

Appeal from the District Court of the United States for the Southern District of California.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court with instructions to dismiss the case as to appellee Paul Gray, Inc., on the merits, and to dismiss as to the other appellees for want of jurisdiction.

Per Mr. Justice Stone.

Mr. Justice Black is of the opinion that the case should be dismissed for want of jurisdiction as to all the appellees.

National Labor Relations Board,

Petitioner,

514 vs.

Benjamin Fainblatt and Marjorie Fainblatt, Individuals, Doing Business Under the Firm Names and Styles of Somerville Manufacturing Company and Somerset Manufacturing Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

UPON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to said Circuit Court of Appeals for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Dissenting opinion by Mr. Justice McReynolds in which Mr. Justice Butler joins.

Honolulu Oil Corporation, Ltd., and M. O. Johnston Oil Field Service Corporation.

Petitioners,

466 vs.

Erle P. Halliburton and Halliburton Oil Well Cementing Company.

On writ of certiorari and cross writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

Erle P. Halliburton and Halliburton Oil Well Cementing Company,

Petitioners,

479 vs.

Honolulu Oil Corporation, Ltd., and M. O. Johnston Oil Field Service Corporation.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court as follows: The part of the decree of the Circuit Court of Appeals brought up by defendants' petition is reversed. The part brought up by plaintiffs' petition is affirmed. The decree of the District Court is affirmed; costs to be taxed in favor of Honolulu Oil Corporation, Ltd., and M. O. Johnston Oil Field Service Corporation.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of California.

Per Mr. Justice Butler.

The Chief Justice took no part in the consideration or decision of this case.

John Carrier and J. Harvey Carpenter, Guardian of John Carrier, Incompetent Veteran,

Petitioners,

541 vs.

Curley Bryant.

On writ of certiorari to the Supreme Court of the State of North Carolina.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of North Carolina, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice McReynolds.

J. S. Kohn, M. S. Kohn and J. W. Kohn, Administrators of the Estate of Carrie Kohn, Deceased,

Appellants,

vs.

Central Distributing Co., Inc., and the Commonwealth of Kentucky, etc., et al.

Appeal from the District Court of the United States for the Eastern District of Kentucky.

177

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Kentucky, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Powers Higginbotham,

Appellant,

vs.

City of Baton Rouge, Louisiana.

Appeal from the Supreme Court of the State of Louisiana.

462

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Robert B. Honeyman,

Appellant,

465 vs.

David B. Jacobs and Mary V. Jacobs.

Appeal from the Supreme Court of the State of New York, County of Queens.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of Queens, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following orders of the Court:

- - - - - - - - - -

Charlotte Gabrielli (a Minor) by Joseph J. Gabrielli, Her Guardian, Ad Litem,

Appellant,

694 vs.

Dorothy C. Knickerbocker, as a Teacher in the Fremont School, etc., et al.

Appeal from the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Charlotte Gabrielli (a Minor) by Joseph J. Gabrielli, Her Guardian, Ad Litem,

Appellant,

694 vs.

Dorothy C. Knickerbocker, as a Teacher in the Fremont School, etc., et al.

Appeal from the Supreme Court of the State of California.

THREATING the appeal papers herein from the Supreme Court of the State of California as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William A. Johnson, Individually, William Johnson, Jr., Dorothy Johnson, et al.,

Appellants,

813 vs.

Town of Deerfield, Deerfield School Committee, etc., et al.

Appeal from the District Court of the United States for the District of Massachusetts.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Massachusetts, and was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

John Goins,

Petitioner,

516 vs.

The United States of America.

On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the writ of certiorari herein be, and the same is hereby, dismissed as it appears on hearing argument that the District Court's failure to give Instruction B could not have prejudiced the petitioner.

Per Mr. Chief Justice Hughes.

The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

State of Missouri,

Complainant,

12, Original vs.

State of Iowa.

The stipulation between the parties dated March 18, 1939, heretofore approved by the Master, is received, approved and ordered filed.

Per Mr. Chief Justice Hughes.

Frank Eichholz,

Appellant,

367 vs.

Public Service Commission of the State of Missouri, et al.

The last sentence of the opinion is modified to read as follows:

"The decree of the District Court so far as it denies an injunction is affirmed."

The petition for rehearing is denied.

Per Mr. Chief Justice Hughes.

*(decree p. 39 amended to conform to above order)

Guaranty Trust Company of New York, as Trustee, etc.,

Petitioner,

384 vs.

Berryman Henwood, Trustee, etc., et al;

Chemical Bank & Trust Company, as Trustee, etc.,

Petitioner,

495 vs.

Berryman Henwood, Trustee, etc., et al.;

Bethlehem Steel Company,

Petitioner,

590 vs.

Zurich General Accident & Liability Insurance Co., Ltd.;

Bethlehem Steel Company,

Petitioner,

591 vs.

Anglo-Continentale Treuhand, A. G., et al.;

Henry S. Long, Chairman, etc., et al.,

Appellants,

339 vs.

Walter Stokes, Jr., as Commissioner, etc.; and

Mark Graves, et al., etc.,

Petitioners,

372 O.T. 1937 vs.

Marion Brown Elliott, et al., etc.

These cases are ordered restored to the docket and assigned for reargument on Monday, April 24, next, after the cases heretofore assigned for that day.

Per Mr. Chief Justice Hughes.

Catherine Korte,

Petitioner,

814 vs.

Don R. Mortfort, Trustee of
Raymond E. Korte, Bankrupt.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Catherine Korte,

Petitioner,

814 vs.

Don R. Mortfort, Trustee of
Raymond E. Korte, Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter B. Mitchell,

Petitioner,

741 vs.

Charles W. Greenough, Ralph E.
Foley and Alan G. Paine, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter B. Mitchell,

Petitioner,

741 vs.

Charles W. Greenough, Ralph E. Foley and Alan G. Paine, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gertrude Kay, Alias Gertrude Klein,

Petitioner,

747 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Gertrude Kay, Alias Gertrude Klein,

Petitioner,

747 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Irene Norman,

Petitioner,

755 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mrs. Irene Norman,

Petitioner,

755 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred Hartzell West,

Petitioner,

843 vs.

State of Washington.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred Hartzell West,
Petitioner,
843 vs.
State of Washington.

On petition for writ of certiorari to the Supreme Court of the State of Washington.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Washington, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Reed Swain,
Petitioner,
852 vs.
State of Indiana.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Reed Swain,
Petitioner,
852 vs.
State of Indiana.

On petition for writ of certiorari to the Supreme Court of the State of Indiana.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Indiana, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Valvoline Oil Company,

Appellant,

825 vs.

The United States of America, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

H. Luther Pittman, Clerk of the Superior Court of Baltimore City,

Petitioner,

Order allowing certiorari.

702 vs.

Home Owners' Loan Corporation of Washington, D. C.

The petition herein for a writ of certiorari to the Court of Appeals of the State of Maryland is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The Board of County Commissioners of the County of Jackson, in the State of Kansas, etc.,

Petitioner,

Order allowing certiorari.

720 vs.

The United States of America, etc.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Oklahoma Packing Company, Formerly Wilson & Co., Inc., of Oklahoma, et al.,

Petitioners,

750 vs.

Oklahoma Gas and Electric Company, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Harold F. Snyder,

Petitioner,

749 vs.

City of Milwaukee.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of Wisconsin is granted, and the case is assigned for argument immediately following No. 715.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

E. Frank Branon,

Petitioner,

865 vs.

The United States of America and Henry A. Wallace, Secretary of Agriculture.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the First Circuit is granted, and the case is consolidated with No. 772 for the purpose of argument.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

692 vs.

Ashland Oil & Refining Company (Substituted for Swiss Oil Corporation).

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

693 vs.

Ashland Oil & Refining Company (Substituted for Swiss Oil Corporation).

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

Ashland Oil & Refining Company (Substituted for Swiss Oil Corporation),

Petitioner,

757 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of

the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

Ashland Oil & Refining Company, (Substituted for Swiss Oil Corporation),

Petitioner,

758 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

The City of New York, Alfred Rheinstein, as Commissioner of Housing and Building of the City of New York, et al.,

Petitioners,

756 vs.

Central Savings Bank in the City of New York, et al.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the reason that the judgment sought to be reviewed rests upon a non-federal ground adequate to support it.

Per Mr. Chief Justice Hughes.

Sidney Weinberg,

Petitioner,

678 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ferdinand A. Straus, May M. Straus, Henry Goldman, Jr., et al.,

Petitioners,

679 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States,

Petitioner,

680 vs.

H. B. Nelson Construction Company.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mabel Jones West,
Petitioner,
718 vs.
City of Birmingham.

On petition for writ of certiorari to the Supreme Court of the State of Alabama.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Alabama, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Boston & Maine Railroad,
Petitioner,
719 vs.
Mayo Williams and Matilda Padgett, Administratrix of the Estate of Reginald Padgett.

On petition for writ of certiorari to the Supreme Court of the State of New Hampshire.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New Hampshire, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bernardi Greater Shows, Inc.,
Petitioner,
724 vs.
Boston & Maine Railroad.

On petition for writ of certiorari to the Supreme Court of the State of New Hampshire.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New Hampshire, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

M. Rich & Brothers Company,

Petitioner,

729 vs.

First National Bank of Atlanta, et al., Executors of Estate of W. E. Page, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Minnesota Mining & Manufacturing Company,

Petitioner,

731 vs.

Conway P. Coe, Commissioner of Patents.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Siegfried Herman, Executor of the Estate of S. Herman, Sr.,

Petitioner,

734 vs.

Howard E. Henley, Trustee in Bankruptcy of Vernon F. Marsters.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Siegfried Herman, Executor of the Estate of S. Herman, Sr.,

Petitioner,

735 vs.

Howard E. Henley, Trustee in Bankruptcy for Mary E. Karsters.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Erastus W. Rogers and J. E. Hulse, Administrator of the Estate of E. G. Hulse, Deceased,

Petitioners,

737 vs.

Montgomery Ward & Company, Incorporated.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Randolph Lumber Company (Formerly Edward Hines Lumber Co.),

Petitioner,

743 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John E. Mathewson, as Administrator with the Will Annexed of Rufus B. Overlander, Deceased, as Assignor, et al., etc.,

Petitioners,

744 vs.

First Trust Company of St. Joseph, Missouri, Individually and as Trustee.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Noble John Moore,

Petitioner,

732 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Estate of William C. Orr, The Fifth Avenue Bank of New York and Anna V. Grandon, as Executors, etc.,

Petitioners,

733 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fidelity & Casualty Company of New York,

Petitioner,

752 vs.

Fred A. Paddleford and Joseph F. Lamy, Heretofore Conducting Business Under the Name and Style of Paddleford and Lamy.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hartford Accident & Indemnity Company,

Petitioner,

753 vs.

Fred A. Paddleford and Joseph F. Lamy, Heretofore Conducting Business Under the Name and Style of Paddleford and Lamy.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cecil H. Gamble, Executor of the Estate of Mary H. Gamble,

Petitioner,

759 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cora S. Evans,

Petitioner,

774 vs.

Kansas Gas and Electric Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edgar Cowherd,

Petitioner,

599 vs.

Phoenix Joint Stock Land Bank of Kansas City, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Public Service Commission of the State of Missouri, et al.,

Appellants,

605 vs.

Brashear Freight Lines, Inc., et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lehigh Valley Railroad Company
of New Jersey, et al.,

Petitioners,

667 vs.

J. H. Thayer Martin, State Tax
Commissioner, et al.;

The Central Railroad Company of
New Jersey,

Petitioner,

668 vs.

J. H. Thayer Martin, State Tax
Commissioner, et al.;

The Central Railroad of New Jersey,

Petitioner,

669 vs.

J. H. Thayer Martin, State Tax
Commissioner, et al.;

Delaware, Lackawanna & Western
Railroad Company,

Petitioner,

670 vs.

J. H. Thayer Martin, State Tax
Commissioner, et al.;

New York Central Railroad Company,

Petitioner,

671 vs.

J. H. Thayer Martin, State Tax
Commissioner, et al.;

New Jersey & New York Railroad
Company,

Petitioner,

672 vs.

J. H. Thayer Martin, State Tax
Commissioner, et al.;

New York, Susquehanna & Western Railroad Company,

Petitioner,

673 vs.

J. H. Thayer Martin, State Tax Commissioner, et al.;

Erie Railroad Company,

Petitioner,

674 vs.

J. H. Thayer Martin, State Tax Commissioner, et al.; and

Lehigh Valley Railroad Company,

Petitioner,

675 vs.

J. H. Thayer Martin, State Tax Commissioner, et al.

A petition for rehearing having been filed in these cases,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Rolla W. Coleman, W. A. Barron, et al.,

Petitioners,

7 vs.

Clarence W. Miller, as Secretary of the Senate of the State of Kansas, et al.

Reargument commenced by Mr. Rolla W. Coleman for the petitioners; and continued by Mr. Robert Stone for the petitioners and by Mr. Clarence V. Beck for the respondents.

Leave granted petitioners to file an additional brief within five days.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

TUESDAY, APRIL 18, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Sam Rayburn, It is ordered that Louis W. Woosley, Esquire, of Bonham, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John E. Miller, It is ordered that Guy Amsler, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that Frank Wickhem, Esquire, of Sioux Falls, State of South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence J. McLeod, It is ordered that Emil W. Colombo, Esquire, of Detroit, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that Milton Keen, Esquire, of Clinton, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. S. F. Hobbs, It is ordered that Lenore H. Langford, of Bessemer, State of Alabama, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Donovan, It is ordered that Henry I. Fillman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lowry N. Coe, It is ordered that Irvin Goldstein, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Arnold, It is ordered that James H. Wheat, Esquire, of Urbana, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frederick R. Gibbs, It is ordered that Geo. H. Wallace, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest L. Wilkinson, It is ordered that Edwin M. Thomas, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James P. Ryan, It is ordered that Joseph T. McDonald, Esquire, of Scranton, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter C. English, It is ordered that

William J. Rowan, Jr., Esquire, of Washington, District of Columbia; and

Eldridge Hood Young, Esquire, of Baltimore, State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Marguerite Rawalt, It is ordered that Coldie Bell Sefken, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

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Rolla W. Coleman, W. A. Barron, et al.,

Petitioners,

7 vs.

Clarence W. Miller, as Secretary of the Senate of the State of Kansas, et al.

Reargument concluded by Mr. Solicitor General Jackson for the United States, as amicus curiae, by special leave of Court.

Albert Benjamin Chandler, Individually, etc., et al.,

Petitioners,

14 vs.

James W. Wise and Ray B. Moss.

Reargued by Mr. J W Jones for the Petitioners and by Mr. Oldham Clarke and Mr. Lafon Allen for the Respondents.

Newark Fire Insurance Company,

Appellant,

449 vs.

State Board of Tax Appeals and the City of Newark;

and

Universal Insurance Company, et al.,

Appellants,

456 vs.

State Board of Tax Appeals of the State of New Jersey, et al.

Argument commenced by Mr. Arthur T. Vanderbilt for the Appellant in No. 449 and continued by Mr. John G. Jackson for the Appellants in No. 456, and by Mr. Donald R. Richberg for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. J. Will Taylor, It is ordered that Chas. R. Moore, Esquire, of Maynardville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William Nevarre Cromwell, It is ordered that Charles Bushnell Fullerton, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that Toxey Hall, Esquire, of Columbia, State of Mississippi, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clifford J. Durr, It is ordered that Max Mersh, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry F. Ashurst, It is ordered that

Frank E. Flynn, Esquire, of Phoenix,
State of Arizona; and

Melvin S. Huffaker, Esquire, of Mesa,
State of Arizona;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. William H. Davis, It is ordered that

George E. Faithfull, Esquire, of New York,
State of New York; and

Louis Burgess, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph V. Hefferman, It is ordered that Thomas Everton Kennerly, Esquire, of Houston, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Leonard Townsend, It is ordered that Lawrence S. Lesser, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry F. Ashurst, It is ordered that Denison Kitchel, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert H. McNeill, It is ordered that

Charles Wellington Curran, Esquire, of Washington,
District of Columbia;

George L. Brannon, Esquire, of Washington,
District of Columbia;

Charles W. Stewart, Esquire, of Washington,
District of Columbia;

William E. Rabenhorst, Esquire, of Washington,
District of Columbia; and

Aaron Friedenberg, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Thaddeus Clark, It is ordered that Jacob P. Drukman, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that Jesse B. Messitte, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Henry Tuttle, It is ordered that

Charlotte Tuttle Westwood, of New York,
State of New York; and

Howard C. Westwood, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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Newark Fire Insurance Company,

Appellant,

449 vs.

State Board of Tax Appeals and
The City of Newark; and

Universal Insurance Company, et al.,

Appellants,

456 vs.

State Board of Tax Appeals, et al.

Argument continued by Mr. Donald R. Richberg for the Appellees; by Mr. Arthur T. Vanderbilt for the Appellant in No. 449; and concluded by Mr.

John G. Jackson for the Appellants in No. 456.

Leave granted the Appellants and Appellees to file additional memoranda within three days.

Electrical Fittings Corporation, et al.,

Petitioners,

582 vs.

The Thomas & Betts Co., et al.

Argued by Mr. Samuel E. Darby, Jr., for the Petitioners and by Mr. George Whitefield Betts, Jr., for the Respondents.

The Maytag Company,

Petitioner,

76 vs.

Hurley Machine Company, et al.;

The Maytag Company,

Petitioner,

77 vs.

Easy Washing Machine Corporation; and

General Electric Supply Corporation,

Petitioner,

661 vs.

The Maytag Company.

Argument commenced by Mr. Wallace R. Lane for the Petitioner in Nos. 76 and 77 and the Respondent in No. 661, and continued by Mr. William H. Davis for the Respondents in Nos. 76 and 77 and the Petitioner in No. 661.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

THURSDAY, APRIL 20, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Edward Schoeneck, Esquire, of Syracuse, State of New York;

Henry H. Surface, Esquire, of Washington, District of Columbia; and

Willard S. Lines, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Roy Smith, It is ordered that John Gee Clark, Esquire, of Long Beach, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Russell L. Snodgrass, It is ordered that John T. Koehler, Esquire, of Baltimore, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Yates Dowell, It is ordered that

Richard B. Swartzbaugh, Esquire, of Toledo,
State of Ohio;

Arthur G. Prangley, Esquire, of Rye,
State of New York; and

George R. Effler, Esquire, of Toledo,
State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph T. Keating, It is ordered that Harvey B. Otterman, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Rafael Sancho Bonet, Treasurer
of Puerto Rico,

Petitioner,

498 vs.

Yabucoa Sugar Company.

ON CONSIDERATION of the motion to extend the time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and the time is extended to and including May 19th next.

Per Mr. Chief Justice Hughes.

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The Maytag Company,

Petitioner,

76 vs.

Hurley Machine Company, et al.;

The Maytag Company,

Petitioner,

77 vs.

Easy Washing Machine Corporation; and

General Electric Supply Corporation,

Petitioner,

661 vs.

The Maytag Company.

Argument continued by Mr. William H. Davis for the Respondents in Nos. 76 and 77 and the Petitioner in No. 661, and concluded by Mr. Wallace R. Lane for the Petitioner in Nos. 76 and 77 and the Respondent in No. 661.

The United States of America, et al.,

Appellants,

221 vs.

F. O. Morgan, doing business as F. O. Morgan Sheep Commission Company, et al.

Reargued by Mr. Solicitor General Jackson for the Appellants and by Mr. Frederick H. Wood and Mr. John B. Gage for the Appellees.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that J. Clifford Curry, Esquire, of Chattanooga, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alva B. Adams, It is ordered that John A. Carroll, Esquire, of Denver, State of Colorado, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. Yates Dowell, It is ordered that Albert R. Henry, Esquire, of Buffalo, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that Jeff A. Robertson, Esquire, of Kansas City, State of Kansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert L. Stern, It is ordered that

William H. Matthews, Jr., Esquire, of Washington, District of Columbia; and

Robert W. Knox, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warner W. Gardner, It is ordered that John Saxton Daniel, Esquire, of Savannah, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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L. W. Baldwin and Guy A. Thompson, as Trustees, etc.,

Petitioners,

650 vs.

Scott County Milling Company.

Argued by Mr. H. H. Larimore for the Petitioners and by Mr. James A. Finch for the Respondent.

The United States of America,

Appellant,

687 vs.

Neal Powers and Rene Allred.

Argued by Mr. Charles A. Horsky for the Appellant and by Mr. John D. Cofer for the Appellees.

American Toll Bridge Company,

Appellant,

704 vs.

Railroad Commission of the
State of California, et al.

Argued by Mr. Max Thelen for the Appellant and by Mr. Ira H. Rowell for the Appellees.

Proclamation being made the Court is adjourned until Monday, next, at 12 o'-clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Ed P. Buckenmyer, Esquire, of Toledo, State of Ohio;

Paul M. Plunkett, Esquire, of Chicago, State of Illinois; and

Paul E. Treusch, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Brien McMahon, It is ordered that Richard J. Connor, Esquire, of Norwalk, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that Urdix B. Ewing, Esquire, of Bell City, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard H. Wilmer, It is ordered that T. Roland Berner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. Roland Kinzer, It is ordered that

Albert G. Rutherford, Esquire, of Honesdale,
State of Pennsylvania; and

Clarence E. Bodie, Esquire, of Honesdale,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Carl E. Mapes, It is ordered that

Robert V. V. Rice, Esquire, of Grand Rapids,
State of Michigan; and

Thomas K. Perry, Esquire, of Grand Rapids,
State of Michigan;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles B. Rugg, It is ordered that

Owen A. Hoban, Esquire, of Gardner,
State of Massachusetts;

Oscar M. Shaw, Esquire, of Boston,
State of Massachusetts; and

Willard R. Pratt, Esquire, of Utica,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. August H. Andresen, It is ordered that Frederick W. Senn, Esquire, of Waseca, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur H. Deibert, It is ordered that William T. Doyle, Esquire, of San Francisco, State

of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elmer A. Smith, It is ordered that

E. R. Holmes, Jr., Esquire, of Jackson,
State of Mississippi;

Russell Wright, Esquire, of Jackson,
State of Mississippi; and

Hamun Gardner, Esquire, of Gulfport,
State of Mississippi;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John M. Raymond, It is ordered that

Lawrence Foster, Esquire, of Manchester,
State of Massachusetts; and

Augustin H. Parker, Jr., Esquire, of Boston,
State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jerome J. Screeton, It is ordered that Geanie P. Houston, Esquire, of Heber Springs, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Owen Carson, It is ordered that Joseph O. Carson II, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Joseph Eugene Keller, It is ordered that Charles M. Stevenson, Esquire, of Dayton, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mauro Baradi, It is ordered that Amador Buenaseda, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Lottie F. Sprague,

Petitioner,

543 vs.

Ticonic National Bank, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Maine for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice McReynolds and Mr. Justice Butler concur in the result.

Mr. Justice Douglas took no part in the consideration or decision of this case.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk, and will not be announced orally."

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O R D E R .

IT IS ORDERED that the following allotment be made of the Chief Justice and Associate Justices of this Court among the Circuits, agreeably to the Acts of Congress in such case made and provided, and that such allotment be entered of record, viz:

For the First Circuit,	Felix Frankfurter,	Associate Justice.
For the Second Circuit,	Harlan F. Stone,	Associate Justice.
For the Third Circuit,	Owen J. Roberts,	Associate Justice.
For the Fourth Circuit,	Charles Evans Hughes,	Chief Justice.
For the Fifth Circuit,	Hugo L. Black,	Associate Justice.
For the Sixth Circuit,	James C. McReynolds,	Associate Justice.
For the Seventh Circuit,	William O. Douglas,	Associate Justice.
For the Eighth Circuit,	Pierce Butler,	Associate Justice.
For the Ninth Circuit,	Stanley Reed,	Associate Justice.
For the Tenth Circuit,	Pierce Butler,	Associate Justice.
For the District of Columbia,	Charles Evans Hughes,	Chief Justice.

Per Mr. Chief Justice Hughes.

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In re Disbarment of Pierce Lonergan.

It appearing to the Court from the record in Pierce Lonergan, Petitioner, vs. The United States, No. 1064, October Term, 1937, that Pierce Lonergan, of the State of Washington, a member of the bar of this Court, has been convicted of a felony in the District Court of the United States for the Western District of Washington; and it further appearing that his resignation as a member of the Washington State Bar Association has been accepted by the Supreme Court of the State of Washington and his name stricken from the roll of attorneys of the State of Washington;

IT IS ORDERED that the said Pierce Lonergan be, and he hereby is, suspended from the practice of the law in this Court and that a rule issue returnable within forty (40) days requiring the said Pierce Lonergan to show cause why he should not be disbarred from the practice of the law in this Court.

Per Mr. Chief Justice Hughes.

Ex Parte Harmon Metz Waley,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte John F. Struthers,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner,

514 vs.

Benjamin Fainblatt, et al., &c., doing business under the firm names and styles of Somerville Manufacturing Company, et al.

O R D E R

IT IS ORDERED that the entry in this case in the Journal of this Court for April 17, 1939, be amended by striking out the words:

"Mr. Justice Frankfurter took no part in the consideration or decision of this case."

Per Mr. Chief Justice Hughes.

Edmond C. Fletcher,

Petitioner,

862 vs.

Alfred A. Wheat and Jesse C. Adkins.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edmond C. Fletcher,

Petitioner,

862 vs.

Alfred A. Wheat and Jesse C. Adkins.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Florida, ex rel. William W. Vars,

Appellant,

769 vs.

W. V. Knott, State Treasurer, etc.; and

State of Florida, ex rel. Hardware Mutual Casualty Company, et al.,

Appellants,

770 vs.

W. V. Knott, State Treasurer, etc.

The statement of jurisdiction in these cases having been sub-

mitted and considered by the Court, further consideration of the question of the jurisdiction of this Court in these cases is postponed to the hearing of the cases on the merits.

Per Mr. Chief Justice Hughes.

L. Boteler, Trustee of the Estate of Richmaid Creameries, Inc., Debtor,

Petitioner,

Order allowing certiorari.

745 vs.

Ray Ingels, Director of Motor Vehicles of the State of California, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

L. Boteler, Trustee of Richmaid Creameries, Inc., Debtor,

Petitioner,

Order allowing certiorari.

746 vs.

Ray Ingels, Director of Motor Vehicles of the State of California, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

National Labor Relations Board,

Petitioner,

767 vs.

Newport News Shipbuilding & Dry Dock Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

John Hancock Mutual Life Insurance Company,

Petitioner,

867 vs.

Benno Bartels.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Emil Olsson,

Petitioner,

722 vs.

The United States.

On petition for writ of certiorari to The Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Martin N. Jensen, C. B. Jensen and W. E. Jensen,

Petitioners,

751 vs.

The Canadian Indemnity Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John L. Lotsch,

Petitioner,

760 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anna F. Ardenghi,

Petitioner,

761 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sol H. Goldberg,
Petitioner,
762 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Black River Valley Broadcasts, Inc.,
Petitioner,
763 vs.
Frank R. McNinch, Eugene O. Sykes, Norman S. Case, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Drusilla Carr Land Corporation, Debtor, et al., etc.,
Petitioners,
764 vs.
Gary Land Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Drusilla CarrLand Corporation, Debtor, et al., etc.,

Petitioners,

765 vs.

Gary Land Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Frank O. Lowden, et al., Trustees, etc.,

Petitioners,

342 vs.

Simond-Shields-Lonsdale Grain Company.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R.

IT IS ORDERED that the call of the docket be suspended for the Term upon the conclusion of the arguments in the cases on call for Friday, April 28, and that the Court will then take a recess until Monday, May 15.

Per Mr. Chief Justice Hughes.

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Ex Parte Mark O. Davis,

Petitioner.

—, Original.

Motion for leave to file petition for writ of mandamus submitted by Mr. Joseph T. Sherier for the Petitioner.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

773 vs.

Charles C. Stilwell.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

It appearing to the Court that counsel for the petitioner has filed a motion to dismiss the petition for writ of certiorari in this cause;

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this cause be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Minnesota Tax Commission and George E. Wallace, Harry E. Boyle, et al., etc.,

Petitioners,

829 vs.

William B. Geery.

On petition for writ of certiorari to the Supreme Court of the State of Minnesota.

It appearing to the Court that counsel for the petitioners has filed a motion to dismiss the petition for writ of certiorari in this cause without costs to either party;

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this cause be, and the same is hereby, dismissed without costs to either party.

Per Mr. Chief Justice Hughes.

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Horton C. Rorick,

Petitioner,

676 vs.

Devon Syndicate, Limited.

Argued by Mr. George R. Effler for the Petitioner and by Mr. George D. Welles for the Respondent.

State of Mississippi, ex rel. Greek L. Rice, Attorney General, et al.,

Appellants,

742 vs.

The United States of America, et al.

Argument commenced by Mr. Edwin R. Holmes, Jr., and continued by Mr. Russell Wright for the Appellants. The Court declined to hear further argument.

The United States of America,

Appellant,

771 vs.

Rock Royal Co-Operative, Inc., et al.;

Holton V. Noyes, as Commissioner of Agriculture and Markets of the State of New York,

Appellant,

826 vs.

Rock Royal Co-Operative, Inc., et al.;

Dairymen's League Cooperative Association, Inc.,

Appellant,

827 vs.

Rock Royal Co-operative, Inc., et al.; and

Metropolitan Cooperative Milk
Producers Bargaining Agency,
Inc.,

Appellant,

828 vs.

Rock Royal Co-operative, Inc.,
et al.

Argument commenced by Mr. Solicitor General Jackson for the Appellants.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that Ernest L. Reid, Esquire, of Orange, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Charles F. Fish, Esquire, of New York, State of New York; and

Edmund F. Cooke, Esquire, of Buffalo, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Homer D. Angell, It is ordered that Shelby L. Wiggins, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Warren H. Lewis, It is ordered that Ford Q. Elvidge, Esquire, of Seattle, State of Wash-

ington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Howard Nelson Moore, It is ordered that James Martin Heilman, Esquire, of Lancaster, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wesley E. Disney, It is ordered that

Frank B. Appleman, Esquire, of Tulsa,
State of Oklahoma; and

Robert Wayne Raynolds, Esquire, of Tulsa,
State of Oklahoma;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John W. Cross, It is ordered that Mildred Claire Hope, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank F. Nesbit, It is ordered that Guy C. Heater, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert A. Grorud, It is ordered that Charles E. France, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clifford J. Durr, It is ordered that Hans A. Klagsbrunn, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America,

Appellant,

771 vs.

Rock Royal Co-operative, Inc., et al.;

Holton V. Noyes, as Commissioner of Agriculture and Markets of the State of New York,

Appellant,

826 vs.

Rock Royal Co-operative, Inc., et al.;

Dairymen's League Cooperative Association, Inc.,

Appellant,

827 vs.

Rock Royal Co-operative, Inc., et al.; and

Metropolitan Cooperative Milk Producers Bargaining Agency, Inc.,

Appellant,

828 vs.

Rock Royal Co-operative, Inc., et al.

Argument continued by Mr. Solicitor General Jackson for the Appellants; by Mr. Leonard Acker for Appellee, Central New York Co-operative Association, Inc.; by Mr. Willard R. Pratt for Appellees, Rock Royal Co-operative, Inc., et al.; and concluded by Mr. Solicitor General Jackson for the Appellants.

Leave granted Mr. Willard R. Pratt to file an additional brief by Saturday next.

H. P. Hood & Sons, Inc., et al.,

Petitioners,

772 vs.

The United States of America, et al.;

E. Frank Branon,

Petitioner,

865 vs.

The United States of America, et al.; and

Whiting Milk Company,

Petitioner,

809 vs.

The United States of America, et al.

Argument commenced by Mr. Charles B. Rugg for the Petitioners in Nos. 772 and 865.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that

James M. Barnes, Esquire, of Jacksonville, State of Illinois; and

Raymond S. Springer, Esquire, of Connersville, State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court; and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles D. Hamel, It is ordered that Clyde Y. Morris, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter C. Chandler, It is ordered that William Gerber, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John P. Labofish, It is ordered that Frederick McMillan Figert, Esquire, of Washing-

ton, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert E. Barry, It is ordered that Charles Maurice McKnight, Esquire, of Tulsa, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. H. Kiskaddon, It is ordered that Berryman Henwood, Esquire, of St. Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William W. Barron, It is ordered that Bernard M. Chernoff, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Huston Thompson, It is ordered that Carroll J. Lord, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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H. P. Hood & Sons, Inc., et al.,

Petitioners,

772 vs.

The United States of America, et al.;

E. Frank Branon,

Petitioner,

865 vs.

The United States of America, et al.; and

Whiting Milk Company,

Petitioner,

809 vs.

The United States of America,
et al.

Argument continued by Mr. Charles B. Rugg for the Petitioners in Nos. 772 and 865; by Mr. John M. Raymond for the Petitioner in No. 809; and concluded by Mr. Solicitor General Jackson for the Respondents.

Guaranty Trust Company of New York,
as Trustee, etc.,

Petitioner,

384 vs.

Berryman Henwood, Trustee of St.
Louis Southwestern Railway Company, et al.

Reargument commenced by Mr. John W. Davis for the Petitioner; continued by Mr. A. H. Kiskaddon for the Respondent, Henwood, Trustee; by Mr. George L. Buland, for the Respondent, Southern Pacific Co.; by Mr. Carleton S. Hadley for the Respondent, Henwood, Trustee; and concluded by Mr. John W. Davis for the Petitioner.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Charles H. Bates, It is ordered that Ellsworth D. Jones, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Francis J. McNamara, It is ordered that Robert E. Bigney, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tracy L. Jeffords, It is ordered that Walter W. Dosh, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Sumner Lobingier, It is ordered that Annie Vest Russell, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel Taylor, It is ordered that S. Albert Stern, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mortimer Riemer, It is ordered that Ira S. Robbins, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Chemical Bank & Trust Company, as Trustee, etc.,

Petitioner,

495 vs.

Berryman Henwood, Trustee of St. Louis Southwestern Railway Company, Debtor, et al.

Reargued by Mr. Alfred H. Phillips for the Petitioner and by Mr. Carleton S. Hadley for the Respondents.

Bethlehem Steel Company,

Petitioner,

590 vs.

Zurich General Accident & Liability Insurance Company, Limited; and

Bethlehem Steel Company,

Petitioner,

591 vs.

Anglo-Continentale Treuhand, A. G., et al.

Reargued by Mr. Frederick H. Wood for the Petitioner; by Mr. Nathan L. Miller for the Respondent in No. 590; and by Mr. Harry Hoffman for the Respondent in No. 591.

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Proclamation being made the Court is adjourned until tomorrow at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Henry F. Ashurst, It is ordered that David B. Morgan, Esquire, of Phoenix, State of Arizona, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edwin A. Mooers, It is ordered that J. Francis Moore, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that Sebastian Ugarte, Esquire, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert E. Carter, It is ordered that Conrad Hubner, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald Conrad McGovern, It is ordered that Natalie Marion Weinstein, of Miami Beach, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James P. McGovern, It is ordered that

M. J. Halpern, Esquire, of Brooklyn,
State of New York; and

Leo Fixler, Esquire, of Brooklyn,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Peyton R. Evans, It is ordered that Michael A. Schmitt, Esquire, of St. Paul, State of Minnesota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. O. Walker Taylor, It is ordered that Vernon W. Marr, Esquire, of Scituate, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. A. C. Kennedy, It is ordered that George L. DeLacy, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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George W. O'Malley, Individually and
as Collector of Internal Revenue,

Appellant,

810 vs.

Joseph W. Woodrough and Ella B.
Woodrough.

Argued by Mr. Solicitor General Jackson for the Appellant and by Mr. J. A. C. Kennedy and Mr. George L. DeLacy for the Appellees.

Henry S. Long, Chairman and John P. Kohn, Sr., and W. W. Ramsey, as Members Comprising the State Tax Commission of the State of Alabama, et al.,

Appellants,

339 vs.

Walter Stokes, Jr., as Commissioner of Finance and Taxation of the State of Tennessee.

Motion to substitute submitted by Mr. Charles C. Trabue, Jr., for the Appellants.

Henry S. Long, Chairman, and John P. Kohn, Sr., and W. W. Ramsey, as Members Comprising the State Tax Commission of the State of Alabama, et al.,

Appellants,

339 vs.

Walter Stokes, Jr., as Commissioner of Finance and Taxation of the State of Tennessee.

ON CONSIDERATION of the motion to substitute John C. Curry, as State Tax Commissioner of Alabama, the successor in office of Henry S. Long, John P. Kohn, Sr., and W. W. Ramsey, as a party appellant herein; and to substitute George F. McCanless, the successor in office of Walter Stokes, Jr., as the party appellee herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

John C. Curry, State Tax Commissioner of Alabama, et al.,

Appellants,

339 vs.

George P. McCanless, as Commissioner of Finance and Taxation of the State of Tennessee.

Reargued by Mr. Marion Rushton for the Appellants and by Mr. Edwin P. Hunt for the Appellee.

Mark Graves, et al.,

Petitioners,

372 O.T. 1937 vs.

Marion Brown Elliott, et al.

Reargued by Mr. Mortimer M. Kassell for the Petitioners and by Mr. Frederick C. Bangs for the Respondents.

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Proclamation being made the Court is adjourned until Monday, May 1, next, at 12 o'clock.

MONDAY, MAY 1, 1939.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Hatton W. Sumners, It is ordered that Charles J. Crampton, Esquire, of Dallas, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence P. Lea, It is ordered that Carlos R. Freitas, Esquire, of San Rafael, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. D. Roland Potter, It is ordered that Walker Saulsbury, Esquire, of Temple, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence J. McLeod, It is ordered that

Raymond F. Matyniak, Esquire, of Hamtramck, State of Michigan; and

Arthur J. Rooks, Esquire, of Hamtramck, State of Michigan;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arthur Campbell Stickley II, It is ordered that Nettie Young Jones, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lester P. Schoene, It is ordered that Harold J. Cohen, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lewis M. Shapiro, It is ordered that Isadore M. Halpern, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald B. MacGuineas, It is ordered that John Byrne Chamberlin, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clarence M. Fisher, It is ordered that Curt Von Boetticher, Jr., Esquire, of Port Washington, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Samuel W. McIntosh, It is ordered that William J. Wehrli, Esquire, of Casper, State of Wyoming, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry J. Balzer, It is ordered that

Samuel A. Rinella, Esquire, of Chicago,
State of Illinois; and

Myer N. Rosengard, Esquire, of Chicago,
State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond Jones, It is ordered that Carlton F. Bryant, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The Chief Justice announced the following orders of the Court:

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L. Hines, Appellant, vs. The State of Texas. — Appeal from the Court of Criminal Appeals of the State of Texas.

856

THIS CAUSE came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

L. Hines, Appellant, vs. The State of Texas. — Appeal from the Court of Criminal Appeals of the State of Texas.

856

TREATING the appeal papers herein from the Court of Criminal Appeals of the State of Texas as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

L. Hines,

Appellant,

856 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter Ryan,

Appellant,

857 vs.

The State of Texas.

Appeal from the Court of Criminal Appeals of the State of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Walter Ryan,

Appellant,

857 vs.

The State of Texas.

Appeal from the Court of Criminal Appeals of the State of Texas.

TREATING the appeal papers herein from the Court of Criminal Appeals of the State of Texas as an application for a writ of certiorari;

On consideration whereof, IT IS ORDERED by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Walter Ryan,

Appellant,

857 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Eddie Brown,

Appellant,

858 vs.

The State of Texas.

Appeal from the Court of Criminal Appeals of the State of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Eddie Brown,

Appellant,

858 vs.

The State of Texas.

Appeal from the Court of Criminal Appeals of the State of Texas.

TREATING the appeal papers herein from the Court of Criminal Appeals of the State of Texas as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Eddie Brown,

Appellant,

858 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Damon Hunter,

Appellant,

859 vs.

The State of Texas.

Appeal from the Court of Criminal Appeals of the State of Texas.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Criminal Appeals of the State of Texas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of jurisdiction.

Per Mr. Chief Justice Hughes.

Damon Hunter,

Appellant,

859 vs.

The State of Texas.

Appeal from the Court of Criminal Appeals of the State of Texas.

TREATING the appeal papers herein from the Court of Criminal Appeals of the State of Texas as an application for a writ of certiorari;

ON CONSIDERATION WHEREOF, It is ordered by this Court that the said application for writ of certiorari be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Damon Hunter,

Appellant,

859 vs.

The State of Texas.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

State of Mississippi, ex rel. Greek L. Rice, Attorney General, et al.,

Appellants,

742 vs.

The United States of America, et al.

Appeal from the District Court of the United States for the Southern District of Mississippi.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Mississippi, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte Joseph Poresky,

Petitioner.

—, Original.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Mark O. Davis,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of mandamus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

J. Rush Stoner,

Petitioner,

—— vs.

Board of Commissioners of Boulder County.

ON CONSIDERATION of the motion for mandate in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ford Motor Company,

Petitioner,

748 vs.

Edward Clark, Secretary of State of the State of Texas, et al.

ON CONSIDERATION of the motion to substitute Tom L. Beauchamp, present Secretary of State, and Gerald Mann, present Attorney General, as parties respondent in the place of Edward Clark and William McCraw, respectively;

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

W. P. Deppe,

Petitioner,

532 vs.

General Motors Corporation.

ON CONSIDERATION of the petition for reopening this case,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elmira Nichols and Pauline Thompson,

Appellants,

849 vs.

Commonwealth of Massachusetts.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted and the case is assigned for argument immediately following No. 749.

Per Mr. Chief Justice Hughes.

Texas Electric Railway Company,

Appellant,

860 vs.

Clyde O. Eastus, United States Attorney for the Northern District of Texas, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

City of Atlanta, a Municipal Corporation of the State of Georgia,

Appellant,

863 vs.

National Bituminous Coal Commission, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Cities Service Oil Company,

Petitioner,

Order allowing certiorari.

847 vs.

B. P. Dunlap, et al.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

The United States of America,

Petitioner,

Order allowing certiorari.

854 vs.

The Glenn L. Martin Company.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

F. H. E. Oil Company,

Petitioner,

838 vs.

Commissioner of Internal Revenue.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted, and the case is assigned for argument immediately following Nos. 163, 164 and 165.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

Bessie C. Williamson,

Petitioner,

815 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration and decision of this application.

William Rash, Administrator of the Estate of Noah Trump, Deceased,

Petitioner,

844 vs.

Norfolk & Western Railway Company.

On petition for writ of certiorari to the Supreme Court of Appeals of the State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of Appeals of the State of Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Hughes.

City of Rockford,
Petitioner,
721 vs.
Henry LaParr and A. B. Culhane, Receiver of the Manufacturers National Bank and Trust Co.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry LaParr and A. B. Culhane, Receiver of the Manufacturers National Bank and Trust Company of Rockford, Illinois,
Petitioners,
811 vs.
City of Rockford.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edgar Roy Gump,
Petitioner,
738 vs.
The State of California, et al.

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Twentieth Century Bus Operators, Inc., and Joseph Lieberman,
Petitioners,
754 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

National Life and Accident Insurance Company,
Petitioner,
768 vs.
Edith Holbrook.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jess R. Anderson, Petitioner, vs. The United States of America. 775

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anthony Banca, Petitioner, vs. The United States of America. 776

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jess Chandler, Petitioner, vs. The United States of America. 777

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anthony J. Chunes, Petitioner, vs. The United States of America.

778

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Costello, Petitioner, vs. The United States of America.

779

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Crompton, Petitioner, vs. The United States of America.

780

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sam Doah,
Petitioner,
781 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Earl Evans,
Petitioner,
782 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John H. Pancher,
Petitioner,
783 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anton Victor Gent, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

784

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arthur Gramlich, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

785

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Harrison, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

786

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George Heine,
Petitioner,
787 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Henry Johnson,
Petitioner,
788 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Joseph La Verso,
Petitioner,
789 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edward Lee,
Petitioner,
790 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry Irvin Lowe,
Petitioner,
791 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Carl Maddox,
Petitioner,
792 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Daniel Mataya, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

793

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Daniel J. McGill, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

794

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry Melton, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

795

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Andrew Newman,
Petitioner,
796 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Anthony Profeta,
Petitioner,
797 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Salvadore Profeta,
Petitioner,
798 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Charles Rudolph, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

799

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Schneider, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

800

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr.Chief Justice Hughes.

John Stanley, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

801

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Stewart, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

802

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Dominic Tarro, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

803

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Edward Tatman, Petitioner, vs. The United States of America. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

804

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Taylor,
Petitioner,
805 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William Henry Thompson,
Petitioner,
806 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Raymond Tombazzi,
Petitioner,
807 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Russell Wagner,
Petitioner,
808 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Citizens National Bank of Waco,
Petitioner,
819 vs.
Fidelity & Deposit Company of Maryland.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Harry D. McCoy,
Petitioner,
824 vs.
Southern Pacific Company.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 1st Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 1st Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George W. Green,

Petitioner,

831 vs.

City of Stuart.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

School District of Haverford Township,

Petitioner,

848 vs.

American Surety Company of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Dayton Rubber Manufacturing Company and General Motors Research Corporation,

Petitioners,

853 vs.

Henry Stagnaro, Trading as Cincinnati Belting Company, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert L. Demuth,
Petitioner,
766 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr.Chief Justice Hughes.

Maude W. Sweet, et al.,
Petitioners,
876 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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O R D E R.

The Court will take a recess from today until Monday, May 15; from that day until Monday, May 22, and from that day until Monday, May 29, upon which day it will adjourn for the term unless otherwise ordered.

No motions, except motions for admission to practice, will be received after the session next before the date fixed for adjournment of the term.

Per Mr. Chief Justice Hughes.

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The United States of America,

Petitioner,

10 vs.

One 1936 Model Ford V-8, De Luxe Coach, etc., et al.

Reargued by Mr. Gordon Dean for the Petitioner and by Mr. Duane R. Dills and Mr. Eugene E. Heaton for the Respondent.

The United States of America,

Petitioner,

627 vs.

Automobile Financing, Inc.

Argued by Mr. Gordon Dean for the Petitioner and by Mr. Duane R. Dills for the Respondent.

William Jameson & Company, Inc.,

Appellant,

717 vs.

Henry Morgenthau, Jr., Secretary of the Treasury of the United States, et al.

Argued by Mr. William D. Mitchell for the Appellant and by Mr. Solicitor General Jackson and Mr. Phillip E. Buck for the Appellees.

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Proclamation being made the Court is adjourned until Monday, May 15, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,

Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Thomas D. Quinn, Esquire, of Washington,
District of Columbia;

Frank R. Pitt, Esquire, of New York,
State of New York;

Astor Hogg, Esquire, of Whitesburg,
State of Kentucky;

Henry B. Witham, Esquire, of Knoxville,
State of Tennessee; and

Patricia H. Collins, of Atlanta,
State of Georgia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that

Leslie C. Krusen, Esquire, of Philadelphia,
State of Pennsylvania;

Rowland C. Evans, Jr., Esquire, of Philadelphia,
State of Pennsylvania;

John D. Phenay, Esquire, of Detroit,
State of Michigan; and

Leo W. Walsh, Esquire, of Grand Rapids,
State of Michigan,

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sherman Minton, It is ordered that Colonel C. Sawyer, Esquire, of Indianapolis, State of Indiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert G. Rutherford, It is ordered that Fred C. Gartner, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Alexander Wiley, It is ordered that Franklin E. Fogo, Esquire, of Richland Center, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George W. C. McCarter, It is ordered that J. Gilmore Fletcher, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William E. Borah, It is ordered that

Thomas E. Whitten, Esquire, of Pittsburgh,
State of Pennsylvania; and

Holt S. McKinney, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Horace VanDeventer, It is ordered that Forrest Andrews, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Tom Connally, It is ordered that

Joel H. Berry, Esquire, of Houston,
State of Texas; and

Terry C. Dickens, Esquire, of Marlin,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Brendan F. Brown, It is ordered that Francis X. Dwyer, Esquire, of Cambridge, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Nathan William MacChesney, It is ordered that Alfred Brunson MacChesney III, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Franklin D. Trueblood, It is ordered that Arlindo Sanders Cate, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thos. D. Goode, It is ordered that

Guy Angle Greenawalt, Esquire, of Washington,
District of Columbia; and

Charles R. Fay, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Christopher C. Cousins, It is ordered that Randolph B. Cousins, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles H. Burke, It is ordered that Frederick A. Warren, Esquire, of Pierre, State of

South Dakota, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Byrne, It is ordered that John H. O'Toole, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles Kerr, It is ordered that Sara Talbert Mero, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Seth W. Richardson, It is ordered that Richard A. Packard, Esquire, of Saginaw, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Meredith M. Daubin, It is ordered that August H. Moran, Esquire, of Chevy Chase, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Waddell, It is ordered that

Hanns P. Kneipkamp, Esquire, of New York,
State of New York;

Nick Stepanovich, Esquire, of East Chicago,
State of Indiana; and

Loyd Justin Cohen, Esquire, of East Chicago,
State of Indiana;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. George Slaff, It is ordered that Harold J. Jones, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John C. Ristine, It is ordered that L. Frank Withers, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. J. R. Wilson, It is ordered that J. G. Ragsdale, Esquire, of El Dorado, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Felthan Watson, It is ordered that John J. Yowell, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dale D. Drain, It is ordered that

Henry E. T. Herman, Esquire, of Spokane,
State of Washington; and

B. Woodruff Weaver, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy Saint Louis, It is ordered that W. F. Wilson, Jr., Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul A. Freund, It is ordered that Clarence Edelson, Esquire, of Chicago, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Clifford J. Durr, It is ordered that Robert C. Goodale, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas Clifford Billig, It is ordered that George A. Wilson, Esquire, of New Orleans, State of Louisiana, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George P. Barse, It is ordered that Joseph Marchetti, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. A. V. Cushman, It is ordered that

Gorham F. Freer, Esquire, of Arlington,
State of Virginia;

George W. Porter, Esquire, of Arlington,
State of Virginia;

William M. Cushman, Esquire, of Washington,
District of Columbia;

Rodger D. Gessford, Esquire, of Washington,
District of Columbia;

Harry C. Riley, Esquire, of Washington,
District of Columbia; and

John W. Malley, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lawrence Hunt, It is ordered that Humbert Cofrances, Esquire, of New Haven, State of Connecticut, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mortimer Riemer, It is ordered that Joseph Kovner, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roberts Browning Larson, It is ordered that Theodore L. Chisholm, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that

John A. Bouvier, Jr., Esquire, of Miami,
State of Florida;

Alfred T. Airth, Esquire, of Live Oak,
State of Florida; and

Claude L. Gray, Esquire, of Orlando,
State of Florida;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mrs. Mabel Walker Willebrandt, It is ordered that Catherine L. Vaux, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles E. Pledger, Jr., It is ordered that Joseph W. Carroll, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. F. Granville Munson, It is ordered that Joseph A. Beck, Esquire, of Pittsburgh, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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The United States of America, Appellant, vs. Neal Powers and Rene Allred. — Appeal from the District Court of the United States for the Southern District of Texas.

687

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Texas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

M. C. Rorick, Joseph R. Grundy and J. R. Easton,

Appellants,

554 vs.

Board of Commissioners of Everglades Drainage District, etc., et al.

Appeal from the District Court of the United States for the Northern District of Florida.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Florida, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, vacated at the cost of the appellants; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings to be taken independently of Section 266 of the Judicial Code.

Per Mr. Justice Frankfurter.

Mr. Justice Douglas took no part in the consideration or decision of this case.

The United States of America,

544 vs. (Certificate)

Edward H. Marxen, Trustee of Monterey Brewing Company, a Corporation, Bankrupt.

On a certificate from the United States Circuit Court of Appeals for the Ninth Circuit.

THIS CAUSE came on to be heard on a certificate from the United States Circuit Court of Appeals for the Ninth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is the opinion of this Court that the question certified must be answered in the negative.

WHEREUPON, It is now here ordered by this Court that it be so certified to the said United States Circuit Court of Appeals.

Per Mr. Justice Reed,

The Chief Justice and Mr. Justice Douglas took no part in the consideration or decision of this case.

The United States of America and the Secretary of Agriculture,

Appellants,

221 vs.

F. O. Morgan, Doing Business as F. O. Morgan Sheep Commission Company, et al.

Appeal from the District Court of the United States for the Western District of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the order of June 13, 1938, of the said District Court on motion for restitution be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Reed took no part in the consideration and decision of this case.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds and Mr. Justice Roberts join.

The United States of America,

Appellant,

696 vs.

Jack Miller and Frank Layton.

Appeal from the District Court of the United States for the Western District of Arkansas.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Arkansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice McReynolds.

Mr. Justice Douglas took no part in the consideration or decision of this cause.

William Jameson & Company, Inc., Appellant,

717 vs.

Henry Morgenthau, Jr., Secretary of the Treasury of the United States, et al.

Appeal from the District Court of the United States for the District of Columbia.

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, vacated; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings to be taken independently of Section 3 of the Act of August 24, 1937.

Per Mr. Chief Justice Hughes.

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The Chief Justice announced the following order of the Court:

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Roschill Cemetery Company, Appellant,

906 vs.

William Knox Steele.

Appeal from the Supreme Court of the State of Illinois.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a properly presented substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex Parte John P. Goodman,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Richard Bundy,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of certiorari herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex Parte Harper Blattenberger,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In the Matter of the Disbarment

of WILLIAM H. GRIFFIN.

No. ---

It appearing to this Court from the records in William H. Griffin, Jr., Appellant, v. The Appellate Division of the Supreme Court of the State of New York, etc., et al., No. 586, October Term, 1938, and William H. Griffin, Petitioner, v. The Appellate Division of the Supreme Court of the State of New York, etc., et al., No. 698, October Term, 1938, that William H. Griffin of New York, a member of the Bar of this Court, has been disbarred from the practice of the law in the courts of New York by order of the Appellate Division of the Supreme Court of the State of New York, First Department; and this Court by order of March 27, 1939, having suspended the said William H. Griffin from the practice of law in this Court and directed that a rule issue requiring him to show cause why he should not be disbarred from the practice of the law in this Court;

And it appearing that the said rule was issued and served upon the said William H. Griffin, who has filed a return thereto;

Now, upon consideration of the rule to show cause and the return thereto, It is ordered that the said William H. Griffin be, and he hereby is, disbarred, and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Chief Justice Hughes.

The State of Texas,

Complainant,

11, Original vs.

The State of Florida, the State of New York, The Commonwealth of Massachusetts, and Hetty Sylvia Ann Howland Green Wilks.

D E C R E E

This cause came on to be heard on the pleadings, evidence, and the exceptions filed by the parties to the Report of the Special Master, and was argued by counsel.

The Court having dismissed Mabel Harlow Green as a party defendant to the suit on January 17, 1938 (302 U.S. 662), pursuant to the stipulation filed by the parties, it is now here ordered, adjudged and decreed as follows:

1. The Report of the Special Master is confirmed.

2. The Domicile of Edward Howland Robinson Green at the time of his death, June 8, 1936, was in fact and in law within the Commonwealth of Massachusetts and not within the State of Texas, the State of Florida, or the State of New York.

3. The cause will be retained upon the docket for such further action as may be necessary and proper and the parties or any of them may at any time hereafter apply for relief as they may be advised.

And it is further ordered that the costs in this case, including the compensation and expenses of the Special Master shall be paid one-fifth each by the State of Texas, State of Florida, State of New York, Commonwealth of Massachusetts, and Hetty Sylvia Ann Howland Green Wilks.

Per Mr. Chief Justice Hughes.

The State of Texas,

Complainant,

11, Original vs.

The State of Florida, et al.

O R D E R

On consideration of the statement of the Special Master herein,

IT IS ORDERED that John Spalding Flannery, Esquire, be awarded the sum of $22,500 as compensation for his services as Special Master in this cause, and that his disbursements totalling $1,641.47 are allowed;

IT IS FURTHER ORDERED that H. S. Middlemiss, designated by counsel to report the proceedings before the Special Master, is allowed the sum of $27,905 for services rendered before the Special Master and furnishing the original and four copies of the transcript of the shorthand report of the proceedings before the Special Master.

The compensation and expenses of the Special Master, the sum allowed the reporter, Clerk's costs in the amount of $190.90, and the cost of printing the report of the Special Master amounting to $1,441.87, are to be paid one-fifth each by the parties to this cause as provided in the decree.

Payments which have been made by the parties, or any of them, of all or any portion of their proportionate shares of the sums allowed or costs incurred, are hereby confirmed.

Per Mr. Chief Justice Hughes.

Bernardino Rodriquez and
Lucia Rodriquez,

Petitioners,

918 vs.

E. A. Ward.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Bernardino Rodriquez and
Lucia Rodriquez,

Petitioners,

918 vs.

E. A. Ward.

On petition for writ of certiorari to the Supreme Court of the State of New Mexico.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New Mexico, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred Kammerer,

Petitioner,

919 vs.

The State of New York.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred Kammerer,

Petitioner,

919 vs.

The State of New York.

On petition for writ of certiorari to the Court of Appeals of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Appeals of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edmond C. Fletcher,

Petitioner,

874 vs.

Fenton W. Booth, Thomas S. Williams and Richard S. Whaley, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edmond C. Fletcher,

Petitioner,

874 vs.

Fenton W. Booth, Thomas S. Williams and Richard S. Whaley, et al.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Morrow,

Petitioner,

884 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Morrow,

Petitioner,

884 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. P. Deppe,

Petitioner,

532 vs.

General Motors Corporation.

The petition filed May 6, 1939, is stricken from the files as scandalous.

Per Mr. Chief Justice Hughes.

Mabel Franklin and R. F. Graves,

Petitioner,

Order allowing certiorari.

845 vs.

The United States of America.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Estate of Charles Henry Sanford, Deceased, Jennie R. Baird, Substitutionary Administratrix, c.t.a.,

Petitioner,

Order allowing certiorari.

881 vs.

Commissioner of Internal Revenue.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

William Saenger, et al.,

Petitioners,

713 vs.

Estaban Adam.

On petition for writ of certiorari to the Court of Civil Appeals of the State of Texas, 9th Supreme Judicial District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Civil Appeals of the State of Texas, 9th Supreme Judicial District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Hughes.

Joseph Ricebaum and Gould & Company,

Petitioners,

861 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

Joseph R. Mendelson, Leonard I. Sutterman and Joseph N. Sherman,

Petitioners,

871 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this application.

American Employers' Insurance Company,

Petitioner,

821 vs.

Henry G. Montgomery.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

American Employers' Insurance Company,

Petitioner,

822 vs.

Henry G. Montgomery.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States Casualty Company,

Petitioner,

823 vs.

Henry G. Montgomery.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America, ex rel. George Foradis,

Petitioner,

812 vs.

Rudolph Reimer, Commissioner of Immigration at the Port of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Rosenbaum Grain Corporation and Rosenbaum Brothers,

Petitioners,

816 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Customs and Patent Appeals, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States, for the Use and Benefit of F. B. Spears & Sons,

Petitioner,

820 vs.

Arthur Storm Company and Seaboard Surety Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Virginia Iron, Coal & Coke Company,
Petitioner,
830 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Continental Casualty Company,
Petitioner,
836 vs.
First National Bank of Temple.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. M. Crook,
Petitioner,
837 vs.
J. Zorn, Jr., Trustee of Dorfman's, Inc., Bankrupt.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ronald E. Curtis,

Petitioner,

841 vs.

Archibald R. Watson.

On petition for writ of certiorari to the Supreme Court of the State of New York.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of New York, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Federal Reserve Bank of Philadelphia,

Petitioner,

842 vs.

Reba Cook Algar, Leonard D. Algar and Algar Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Louise M. Augustus,

Petitioner,

846 vs.

New Amsterdam Casualty Company of Baltimore.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Falstaff Brewing Corporation,
Petitioner,
850 vs.
Ray H. Thompson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mae Franklin, as Administratrix of the Estate of Horace Franklin, Deceased,
Petitioner,
851 vs.
Martin Wunderlich and Martin Wunderlich Construction Company, a Partnership, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Kenneth A. Campbell, Administrator of the Estate of L. A. Folsom, Deceased,
Petitioner,
855 vs.
Horace G. Beedle and Carlton G. Haizlip.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Patrick J. Falvey, Individually, etc., Petitioner,

866 vs.

Foreman-State National Bank, The First National Bank of Chicago, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert H. Montgomery, Petitioner,

832 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. A. Ward, W. W. Ward, Jean S. Ward, et al., Petitioners,

839 vs.

Shell Petroleum Corporation and Texas Public Service Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Glenmore Distilleries Company,
Petitioner,
868 vs.
National Distillers Products Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

T. J. Conway, Trustee,
Petitioner,
872 vs.
Joe T. Bonner.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Southern Pacific Company,
Petitioner,
875 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

L. A. Salomon and Bro.,
Petitioners,
879 vs.
The United States of America.

On petition for writ of certiorari to the United States Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Customs and Patent Appeals, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Reed Swain,
Petitioner,
852 vs.
State of Indiana.

ON CONSIDERATION of the motion for leave to file an amended petition for writ of certiorari in this cause,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

James Reed Swain,
Petitioner,
852 vs.
State of Indiana.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION thereof, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,
et al.,

Appellants,

432 vs.

Dan E. Maher, Doing Business as
Interstate Busses.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Powers Higginbotham,

Appellant,

462 vs.

City of Baton Rouge, Louisiana.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Denis J. Driscoll, et al.,

Appellants,

509 vs.

Edison Light and Power Company.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Minnesota Mining & Manufacturing Company,

Petitioner,

731 vs.

Conway P. Coe, Commissioner of Patents.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

William A. Johnson, Individually, et al.,

Appellants,

813 vs.

Town of Deerfield, et al.

A petition for rehearing having been filed in this case,

Upon consideration thereof, IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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Wade H. Cooper,

Petitioner,

376 vs.

J. F. T. O'Connor, F. G. Awalt, et al.

Motion for leave to file second petition for rehearing submitted by Mr. Wade H. Cooper for the Petitioner.

Essley Shirt Co., Inc.,
Petitioner,
877 vs.
Celanese Corporation of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

Trubenizing Process Corporation,
Petitioner,
878 vs.
Ferdinand Jacobson, et al., Doing Business Under the Name of F. Jacobson & Sons.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, May 22, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas.
Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Golden W. Bell, It is ordered that

Gladys Towles Root, of Los Angeles,
State of California;

Rose Ealine Freidlin, of Jacksonville,
State of Florida; and

Ingemar E. Hoberg, Esquire, of San Francisco,
State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Margaret Bowles Kelley, of Boston,
State of Massachusetts;

Eleanor L. Daly, of Cambridge,
State of Massachusetts;

J. Leonard Lyons, Esquire, of Washington,
District of Columbia;

Fletcher Bowron, Esquire, of Los Angeles,
State of California; and

Okey P. Keadle, Esquire, of Huntington,
State of West Virginia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph F. Lozier, It is ordered that

Esther S. Critchfield, of Washington, District of Columbia; and

Ruth F. Wilson, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene Black, It is ordered that James D. Head, Jr., Esquire, of Texarkana, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Cassius C. Dowell, It is ordered that J. C. Watson, Jr., Esquire, of Indianola, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. David D. Terry, It is ordered that F. W. A. Biermann, Esquire, of Little Rock, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William J. Driver, It is ordered that

Charles W. Straub, Esquire, of Helena, State of Arkansas; and

James E. Lightle, Jr., Esquire, of Searcy, State of Arkansas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chas. L. South, It is ordered that Arthur Stehling, Esquire, of Fredericksburg, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George L. Hart, Jr., It is ordered that

Arthur Reaney Murphy, Esquire, of Washington, District of Columbia; and

Arthur Gorman Lambert, Esquire, of Chevy Chase, State of Maryland;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. C. Arthur Anderson, It is ordered that

Benjamin F. York, Esquire, of Saint Louis, State of Missouri; and

Louis White, Esquire, of Saint Louis, State of Missouri;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward Herbert Rees, It is ordered that James E. Smith, Esquire, of Topeka, State of Kansas, be admitted to practice as an Attorney and Counsellor in this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Dillon Fitzgerald, It is ordered that James Joseph Duncan, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert A. Grorud, It is ordered that Gerald Spencer, Esquire, of Chickasha, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Bernard F. Garvey, It is ordered that Oliver J. Dompierre, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gerald E. Lyons, It is ordered that Charles W. Wilson, Esquire, of Washington, District

of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard A. Ford, It is ordered that Otto S. Schairer, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy Saint Lewis, It is ordered that George D. Warr, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Lester P. Schoene, It is ordered that George D. Jagels, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Karl Penning, It is ordered that Charles W. Rivise, Esquire, of Philadelphia, State of Pennsylvania, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jacob Reck, It is ordered that Morris Seifer, Esquire, of Newark, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ernest K. Neumann, It is ordered that Wm. F. Evans, Esquire, of Raleigh, State of North Carolina, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank Roberson, It is ordered that

Frank Utley Fletcher, Esquire, of Raleigh,
State of North Carolina; and

Eugene O. Sykes, Esquire, of Jackson,
State of Mississippi;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mortimer Riemer, It is ordered that Christopher Gerard Coleman, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Robert V. Fletcher, It is ordered that Russell L. Frink, Esquire, of Jacksonville, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. Curran, It is ordered that

James Francis Reilly, Esquire, of Washington, District of Columbia;

Oscar A. Trippet, Esquire, of Los Angeles, State of California; and

Leo W. Kenny, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Irwin Geiger, It is ordered that Raymond T. Anixter, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Philip M. Payne, It is ordered that Joseph Ramsey Clayton, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Raymond A. Walsh, It is ordered that Seymour J. Wilner, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Belford Vance Lawson, Jr., It is ordered that Augustus Arvis Latting, Esquire, of Memphis, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Chester T. Lane, It is ordered that Christopher M. Jenks, Esquire, of Piedmont, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Horton C. Rorick,

Petitioner,

676 vs.

Devon Syndicate, Limited.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Ohio for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Douglas.

I. W. Lane,

Petitioner,

460 vs.

Jess Wilson, John Moss and Marion Parks.

On writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Tenth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of

Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Oklahoma for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Dissenting: Mr. Justice McReynolds and Mr. Justice Butler.

Mr. Justice Douglas took no part in the consideration or disposition of this case.

George W. O'Malley, Individually and as Collector of Internal Revenue,

Appellant,

vs.

Joseph W. Woodrough and Ella B. Woodrough.

Appeal from the District Court of the United States for the District of Nebraska.

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THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Nebraska, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Frankfurter.

Mr. Justice McReynolds did not hear the argument in this cause and took no part in its consideration or decision.

Dissenting opinion by Mr. Justice Butler.

Guaranty Trust Company of New York, as Trustee Under St. Louis Southwestern Railway Company First Terminal and Unifying Mortgage, Dated January 1, 1912,

Petitioner,

vs.

Berryman Henwood, Trustee of St. Louis Southwestern Railway Company, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

384

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Missouri.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Stone in which the Chief Justice, Mr. Justice McReynolds, and Mr. Justice Butler concur.

Chemical Bank & Trust Company, as Trustee Under St. Louis Southwestern Railway Company General and Refunding Mortgage, Dated as of July 1, 1930,

Petitioner,

495 vs.

Berryman Henwood, Trustee of St. Louis Southwestern Railway Company, Debtor, and St. Louis Southwestern Railway Company.

On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Missouri.

Per Mr. Justice Black.

Dissenting opinion by Mr. Justice Stone in which the Chief Justice, Mr. Justice McReynolds, and Mr. Justice Butler concur.

Bethlehem Steel Company,

Petitioner,

590 vs.

Zurich General Accident & Liability Insurance Company, Limited.

On writ of certiorari to the Supreme Court of the State of New York, County of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Dissenting: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Butler, and Mr. Justice Stone.

Bethlehem Steel Company,

Petitioner,

591 vs.

Anglo-Continentale Treuhand, A. G., et al.

On writ of certiorari to the Supreme Court of the State of New York, County of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of New York, County of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Black.

Dissenting: The Chief Justice, Mr. Justice McReynolds, Mr. Justice Butler, and Mr. Justice Stone.

Electrical Fittings Corporation, Joselson Sales Corporation, Samuel Joselson and Belle Joselson,

Petitioners,

582 vs.

The Thomas & Betts Co. and National Electrical Products Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of

Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Circuit Court of Appeals with instructions to entertain the appeal and direct the District Court to reform its decree in accordance with the views expressed in the opinion of this Court.

Per Mr. Justice Roberts.

The Maytag Company,
Petitioner,
76 vs.
Hurley Machine Company and Electric Household Utilities Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Roberts.

The Maytag Company,
Petitioner,
77 vs.
Easy Washing Machine Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Southern District of New York.

Per Mr. Justice Roberts.

General Electric Supply Corporation, Petitioner, vs. The Maytag Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

661

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Eighth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of Missouri for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Roberts.

The United States of America, Petitioner, vs. One 1936 Model Ford V-8 De Luxe Coach, Motor No. 18-3306511, Commercial Credit Company, Claimant. — On writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

10

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fourth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Western District of South Carolina.

Per Mr. Justice McReynolds.

Mr. Justice Butler and Mr. Justice Stone took no part in the consideration or decision of this cause.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Frankfurter join.

The United States of America, Petitioner, vs. Automobile Financing, Inc. — On writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

627

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Fifth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Georgia.

Per Mr. Justice McReynolds.

Mr. Justice Butler and Mr. Justice Stone took no part in the consideration or decision of this cause.

Dissenting opinion by Mr. Justice Douglas in which Mr. Justice Black and Mr. Justice Frankfurter join.

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The Chief Justice announced the following orders of the Court:

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Carolene Products Company, Appellant, vs. Henry A. Wallace, Secretary of Agriculture of the United States, et al. — Appeal from the District Court of the United States for the District of Columbia.

902

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of Columbia, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the order of the District Court, be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the order of the said District Court denying a temporary injunction be, and the same is hereby, affirmed.

Per Mr. Chief Justice Hughes.

Maryland Jockey Club of Baltimore City, Appellant, vs. Jervis Spencer, Jr., George R. Norris and Frank Small, Jr., Constituting the Maryland Racing Commission, et al.

Appeal from the Court of Appeals of the State of Maryland.

907

THIS CAUSE came on to be heard on the transcript of the record from the Court of Appeals of the State of Maryland, and on motion to dismiss, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the motion to dismiss the appeal herein be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Chief Justice Hughes.

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The Chief Justice said:

"The other orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

SUPREME COURT OF THE UNITED STATES.

ORDER.

It Is Ordered that the Rules of Practice for the Courts of the United States in Admiralty and Maritime Jurisdiction be, and they hereby are, revised, effective September 1, 1939, by substituting for present Rules 31 and 32 five new Rules numbered 31, 32, 32A, 32B, and 32C, and by adding two new Rules number 46A and 46B, as follows:

31.

INTERROGATORIES TO PARTIES.

Any party may serve upon any adverse party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, by any officer thereof competent to testify in its behalf. The interrogatories shall be answered separately and fully in writing under oath. The answers shall be signed by the person making them; and the party upon whom the interrogatories have been served shall serve a copy of the answers on the party submitting the interrogatories within 15 days after the delivery of the interrogatories, unless the court, on motion and notice and for good cause shown, enlarges or shortens the time. Objections to any interrogatories may be presented to the court within 10 days after service thereof, with notice as in case of a motion; and answers shall be deferred until the objections are determined, which shall be at as early a time as is practicable. No party may, without leave of court, serve more than one set of interrogatories to be answered by the same party.

32.

DISCOVERY AND PRODUCTION OF DOCUMENTS AND THINGS FOR INSPECTION, COPYING, OR PHOTOGRAPHING.

Upon motion of any party showing good cause therefor and upon notice to all other parties, the court in which an action is pending may (1) order any party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated documents, papers, books, accounts, letters, photo-

Maryland Jockey Club of Baltimore City, Appellant, vs. Jervis Spencer, Jr., George R. Norris and Frank Small, Jr., Constituting the Maryland Racing Commission, et al.

Appeal from the Court of Appeals of the State of Maryland.

907

THIS CAUSE came on to be heard on the from the Court of Appeals of the State of Maryland, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now he that the motion to dismiss the appeal herein be, and ed.

AND IT IS FURTHER ORDERED that the app same is hereby, dismissed for the want of a substanti

Per Mr. C

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The Chief Justice said:

"The other orders of the Court appear upon Chief Justice and filed with the Clerk and will not b

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graphs, objects, or tangible things, not privi or contain evidence material to any matter and which are in his possession, custody, o any party to permit entry upon designated in his possession or control for the purpose o surveying, or photographing the property vant object or operation thereon. The orde place, and manner of making the inspectio and photographs and may prescribe such t are just.

32A.

PHYSICAL AND MENTAL EXAMINATI

(a) ORDER FOR EXAMINATION. In an act or physical condition of a party is in contro the action is pending may order him to mental examination by a physician. The o on motion for good cause shown and upon examined and to all other parties and shall manner, conditions, and scope of the examin persons by whom it is to be made.

(b) REPORT OF FINDINGS.

(1) If requested by the person exa the examination to be made shall deliv tailed written report of the examining findings and conclusions. After such party causing the examination to be ma request to receive from the party exam examination, previously or thereafter or physical condition. If the party liver such report the court on motion order requiring delivery on such ter physician fails or refuses to make suc exclude his testimony if offered at the

(2) By requesting and obtaining tion so ordered or by taking the depos party examined waives any privilege h or any other involving the same contr timony of every other person who has after examine him in respect of the condition.

32B.

ADMISSION OF FACTS AND OF GENUINENESS OF DOCUMENTS

(a) REQUEST FOR ADMISSION. At any time after the pleadings are closed, a party may serve upon any other party a written request for the admission by the latter of the genuineness of any relevant documents described in and exhibited with the request or of the truth of any relevant matters of fact set forth therein. Copies of the documents shall be delivered with the request unless copies have already been furnished. Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, not less than 10 days after service thereof or within such further time as the court may allow on motion and notice, the party to whom the request is directed serves upon the party requesting the admission a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny those matters.

(b) EFFECT OF ADMISSION. Any admission made by a party pursuant to such request is for the purpose of the pending action only and neither constitutes an admission by him for any other purpose nor may be used against him in any other proceeding

32C.

REFUSAL TO MAKE DISCOVERY: CONSEQUENCES

(a) REFUSAL TO ANSWER. If a party or other deponent refuses to answer any question propounded upon oral examination, the examination shall be completed on other matters or adjourned, as the proponent of the question may prefer. Thereafter, on reasonable notice to all persons affected thereby, he may apply to the court in the district where the deposition is taken for an order compelling an answer. Upon the refusal of a deponent to answer any interrogatory submitted under any provision of law, or upon the refusal of a party to answer any interrogatory submitted under Rule 31, the proponent of the interrogatory may on like notice make like application for such an order. If the motion is granted and if the court finds that the refusal was without substantial justification the court shall require the refusing party or deponent and the party or attorney advising the refusal or either of them to pay to the examining party the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees. If the

Maryland Jockey Club of Baltimore City, Appellant, vs. Jervis Spencer, Jr., George R. Norris and Frank Small, Jr., Constituting the Maryland Racing Commission, et al.

Appeal from the Court of Appeals of the State of Maryland.

907

THIS CAUSE came on to be heard on the from the Court of Appeals of the State of Maryland, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now he that the motion to dismiss the appeal herein be, and ed.

AND IT IS FURTHER ORDERED that the app same is hereby, dismissed for the want of a substanti

Per Mr. C

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The Chief Justice said:

"The other orders of the Court appear upon Chief Justice and filed with the Clerk and will not b

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motion is denied and if the court finds tha without substantial justification, the court al ing party or the attorney advising the mot pay to the refusing party or witness the an expenses incurred in opposing the motion, i torney's fees.

(b) FAILURE TO COMPLY WITH ORDER.

(1) *Contempt.* If a party or othe sworn or refuses to answer any question do so by the court in the district in being taken, the refusal may be conside court.

(2) *Other Consequences.* If any part ing agent of a party refuses to obey an division (a) of this rule requiring hi questions, or an order made under Rule ument or other thing for inspection, co or to permit it to be done, or to permit e property, or an order made under Rul submit to a physical or mental exam make such orders in regard to the r among others the following:

(i) An order that the matters re tions were asked, or the character or or land, or the contents of the pa mental condition of the party, or an shall be taken to be established for th in accordance with the claim of t order;

(ii) An order refusing to allow t support or oppose designated claims ing him from introducing in evidenc or things or items of testimony, or fr of physical or mental condition;

(iii) An order striking out plead staying further proceedings until th missing the action or proceeding rendering a judgment by default party;

(iv) In lieu of any of the foregoing orders or in addition thereto, an order directing the arrest of any party or agent of a party for disobeying any of such orders except an order to submit to a physical or mental examination.

(c) EXPENSES ON REFUSAL TO ADMIT. If a party, after being served with a request under Rule 32B to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof and if the party requesting the admissions thereafter proves the genuineness of any such document or the truth of any such matter of fact, he may apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making such proof, including reasonable attorney's fees. Unless the court finds that there were good reasons for the denial or that the admissions sought were of no substantial importance, the order shall be made.

(d) FAILURE OF PARTY TO ATTEND OR SERVE ANSWERS. If a party or an officer or managing agent of a party wilfully fails to appear before the officer who is to take his deposition, after being served with a proper notice, or fails to serve answers to interrogatories submitted under Rule 31, after proper service of such interrogatories, the court on motion and notice may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party.

(e) FAILURE TO RESPOND TO LETTERS ROGATORY. A subpoena may be issued as provided in the Act of July 3, 1926, c. 762, § 1 (44 Stat. 835), U. S. C., Title 28, § 711, under the circumstances and conditions therein stated.

(f) EXPENSES AGAINST UNITED STATES. Expenses and attorney's fees are not to be imposed upon the United States under this rule

46A.

SCOPE OF EXAMINATION AND CROSS-EXAMINATION

A party may interrogate any unwilling or hostile witness by leading questions. A party may call an adverse party or an officer, director, or managing agent of a public or private corporation or of a partnership or association which is an adverse party, and interrogate him by leading questions and contradict and impeach him in all respects as if he had been called by the adverse party, and the witness thus called may be contradicted and impeached by or on

Maryland Jockey Club of Baltimore City, Appellant, vs. Jervis Spencer, Jr., George R. Norris and Frank Small, Jr., Constituting the Maryland Racing Commission, et al.

Appeal from the Court of Appeals of the State of Maryland.

907

THIS CAUSE came on to be heard on the from the Court of Appeals of the State of Maryland, which was duly submitted.

ON CONSIDERATION WHEREOF, It is now he that the motion to dismiss the appeal herein be, and ed.

AND IT IS FURTHER ORDERED that the ap same is hereby, dismissed for the want of a substanti

Per Mr. C

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The Chief Justice said:

"The other orders of the Court appear upon Chief Justice and filed with the Clerk and will not b

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behalf of the adverse party also, and may b adverse party only upon the subject matte chief.

46B.

RECORD OF EXCLUDED EVI

If an objection to a question propounded by the court, the latter upon request shall dence in full, unless it clearly appears that missible on any ground or that the witness

May 22, 1939.

e cross-examined by the
r of his examination in

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to a witness is sustained
ake and report the evi-
the evidence is not ad-
s privileged.

Ex parte Richard Paul Billings,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Howard H. Higley,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In the Matter of Johnnie Caesar

No. —

ON CONSIDERATION of the application for a writ of prohibition herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Electric Storage Battery Co., Petitioner, vs. Genzo Shimadzu and Northeastern Engineering Corporation.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

441

The opinion is amended by striking out the word "them" at the end of the first full paragraph on page 11, and substituting "the claims in suit"; and by striking out the words "invalidity of" in the next to the last line of the opinion and substituting therefor the words "dismissal as to".

The petitions for rehearing are denied.

Per Mr. Chief Justice Hughes.

The decree in this case, dated April 17, 1939, is amended to read as follows:

The Electric Storage Battery Co., Petitioner, vs. Genzo Shimadzu and Northeastern Engineering Corporation. — On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

441

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of Pennsylvania with directions to dismiss the bill as to patent Nos. 1,584,150 and 1,696,020, and to proceed, in the light of the dismissal as to those patents, to determine whether 1,584,149 is valid and infringed.

Per Mr. Justice Roberts.

Rafael Sancho Bonet, Treasurer of Puerto Rico, Petitioner, vs. Yabucoa Sugar Company. — On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

498

The opinion of the Court announced March 27, 1939, is amended in the following particulars:

In the first complete sentence on page 3, the word "refund" is stricken and the word "relief" inserted in lieu thereof, and omission of quoted matter in the third complete sentence is indicated, so that the first three sentences will read:

> "Such a taxpayer can sue at law under these sections only if he has been denied relief by both the Treasurer and the Board of Review and Equalization of the Island. But these sections nowhere expressly authorize appeal from the Treasurer to the Board by one who paid taxes without protest. And Section 76(b), which the Circuit Court of Appeals interpreted as authorizing suit by a taxpayer who paid without protest, expressly prohibits suit in court 'until a claim for refund or credit has been duly filed with - - - the Board of Review and Equalization on appeal, according to the provisions of law in that regard, and the regulations established in pursuance thereof.'"

The petition for rehearing is denied.

Per Mr. Chief Justice Hughes.

The Union Stock Yard and Transit Company of Chicago,

Appellant,

930 vs.

The United States of America and Interstate Commerce Commission, et al.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted.

Per Mr. Chief Justice Hughes.

Thomas K. Case and Adele B. Cowan, and Estate of Adele B. Cowan, Deceased,

Petitioners,

817 vs.

Los Angeles Lumber Products Company, Ltd.

Order allowing certiorari

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Thomas K. Case and Adele B. Cowan and Estate of Adele B. Cowan, Deceased,

Petitioners,

818 vs.

Los Angeles Lumber Products Company, Ltd.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Retail Food Clerks and Managers Union, Local No. 1357, Storage Warehouse Employees Union, Local 18571, et al.,

Petitioners,

886 vs.

Union Premier Food Stores, Inc., The Food Fair, Inc., of Penna., et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration and decision of this application.

Almon G. Rasquin, Collector of Internal Revenue of the United States for the First District of New York,

Petitioner,

912 vs.

George Arents Humphreys.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument following No. 881, Estate of Charles Henry Sanford, Deceased, et al., v. Commissioner of Internal Revenue.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

United States Trust Company of New York, Executor and Trustee of the Estate of Sarah Postlethwaite Barber, Deceased,

Petitioner,

833 vs.

The United States.

ON CONSIDERATION of the motion to remand this case to the Court of Claims for additional findings of fact,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

United States Trust Company of New York, Executor and Trustee of the Estate of Sarah Postlethwaite Barber, Deceased,

Petitioner,

833 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Mary Cvelich, Administratrix of the Estate of Paul Cvelich, Deceased,

Petitioner,

900 vs.

Erie Railroad Company.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied for the want of a final judgment.

Per Mr. Chief Justice Hughes.

George F. Seiberling, et al., Executors Under the Last Will and Testament of Harry C. Trexler, Deceased,

Petitioners,

834 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Lehigh Valley Trust Co. and Edwin J. Sterner, Executors of the Estate of Fred H. Sterner, Deceased,

Petitioners,

835 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Berry Oil Company,
Petitioner,
840 vs.
The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

In the Matter of Robert R. Sidebotham,
Petitioner.
864

On petition for writ of certiorari to the Supreme Court of the State of California.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of California, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Winnie Gomillion,
Petitioner,
869 vs.
Union Bridge & Construction Company of Kansas City, Missouri.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Clarence Wayne, Trustee of Clare & Company, Bankrupt,

Petitioner,

870 vs.

Cutler - Hammer, Inc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Chesapeake and Ohio Railway Company,

Petitioner,

873 vs.

Florence Vigor, Administratrix of the Estate of Harry F. Chilcott, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Guy T. Helvering, Commissioner of Internal Revenue,

Petitioner,

882 vs.

Hawaiian Philippine Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred Jackskion,
Petitioner,
883 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Provus Brothers, Incorporated,
Petitioner,
885 vs.
Charles Holman, Lynton T. Block and Warren Brown, as the Bondholders' Committee, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Robert S. Eaton,
Petitioner,
887 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Missouri-Kansas-Texas Railroad,
Petitioner,
889 vs.
Mary L. Hamarstrom.

On petition for writ of certiorari to the Kansas City Court of Appeals, State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Kansas City Court of Appeals, State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Chicago, St. Paul, Minneapolis and Omaha Railway Company,
Petitioner,
890 vs.
Delmar E. Kulp, as Administrator of the Estate of Harry Rice Kulp, Deceased.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John F. Jenkins and the Union and New Haven Trust Company, Executors Under the Will of Leonard A. Jenkins,
Petitioners,
892 vs.
A. Don Bitgood, Formerly Acting Collector of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel W. Rushmore and Sigmund C. Bernstein,

Petitioners,

893 vs.

Merritt Lane.

On petition for writ of certiorari to the Court of Errors and Appeals of the State of New Jersey.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Errors and Appeals of the State of New Jersey, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Cary A. Hardee, Receiver of Commercial National Bank of Washington, D. C.,

Petitioner,

896 vs.

Frank Murphy, Individually and as Attorney General of the United States, etc.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

E. E. Amick, Trustee in Bankruptcy, Atlantic, Pacific and Gulf Oil Company, a Corporation, Bankrupt,

Petitioner,

898 vs.

Wm. J. Hotz, Trustee, Equity Insurance and Investment Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. E. Rice, as Trustee in Bankruptcy of Laurel Oil & Refining Company (a Corporation), Bankrupt,

Petitioner,

904 vs.

Smith Engineering Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

W. E. Rice, as Trustee in Bankruptcy of Laurel Oil & Refining Company, (a Corporation), Bankrupt,

Petitioner,

905 vs.

Smith Engineering Company, (a Corporation) and American Surety Company of New York, (a Corporation).

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Min - A - Max Co., Inc.,

Petitioner,

942 vs.

Edwin Sundholm.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wade H. Cooper,

Petitioner,

376 vs.

J. E. T. O'Connor, F. G. Awalt, et al.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Emil Olsson,

Petitioner,

722 vs.

The United States.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

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The United States of America,

Appellee,

— vs.

Frank Carmine Nardone, et al.,

Defendants-Appellants.

Motion for bail submitted by Mr. Louis Halle for the Defendants-Appellants.

Arthur C. Harvey Company,

Petitioner,

303 vs.

The United States.

Motion for leave to file petition for rehearing submitted by Mr. O. Walker Taylor for the Petitioner.

Wade H. Cooper,

Petitioner,

377 vs.

J. F. T. O'Connor, Robert C. Baldwin, et al.

Motion for leave to file a second petition for rehearing submitted by Mr. Wade H. Cooper for the Petitioner.

The Farmers' Loan and Trust Company, as Trustee, etc.,

Petitioner,

614 vs.

Frank Collis Bowers, as Executor, etc.; and

The Farmers' Loan and Trust Company, as Trustee, etc.,

Petitioner,

615 vs.

Frank Collis Bowers, as Executor, etc.

Motion for extension of time within which to file petition for rehearing submitted by Mr. John S. Flannery for the Petitioner in support of the motion and by Mr. Solicitor General Jackson for the Respondent in opposition thereto.

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Proclamation being made the Court is adjourned until Monday, May 29, at 12 o'clock.

Pursuant to adjournment the Court met at the Supreme Court Building.

PRESENT:

The Honorable Charles E. Hughes, Chief Justice,
James C. McReynolds,
Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black,
Stanley Reed,
Felix Frankfurter,
William O. Douglas. Associate Justices.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. William Robert Poage, It is ordered that Pat M. Neff, Jr., Esquire, of Waco, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

W. Mahlon Dickerson, Esquire, of New York, State of New York;

Ralph S. Boyd, Esquire, of Washington, District of Columbia;

Wm. H. Churchwell, Esquire, of Falls Church, State of Virginia; and

Eugene R. Gilmartin, Esquire, of Providence, State of Rhode Island;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph Edwin Church, It is ordered that Charles L. Whyte, Jr., Esquire, of Waukegan, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jas. W. Morris, It is ordered that

Wylie C. Banks, Esquire, of Columbus,
State of Mississippi; and

Raymond Rosoff, Esquire, of Dallas,
State of Texas;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Richard B. Russell, Jr., It is ordered that Hubert Fields Rawls, Esquire, of Walnuta, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Wm. W. Blackney, It is ordered that Alexander E. Wylie, Esquire, of Clare, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles F. McLaughlin, It is ordered that

John H. Tolan, Esquire, of Oakland,
State of California; and

Max M. Hayden, Esquire, of Fresno,
State of California;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. James Hardin Peterson, It is ordered that A. R. Carver, Esquire, of Lakeland, State of Florida, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George A. Dondero, It is ordered that William Wilson Brashear, Esquire, of Royal Oak, State of Michigan, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter C. Chandler, It is ordered that

Joseph B. Cavallaro, Esquire, of Brooklyn,
State of New York;

James P. McGranery, Esquire, of Philadelphia,
State of Pennsylvania; and

Regina T. Clark, of Philadelphia,
State of Pennsylvania;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph P. Dunn, It is ordered that J. Paul Brennan, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Virgil M. Chapman, It is ordered that Louis P. Maniatis, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ray W. Nedrow, It is ordered that

Samuel L. Fein, Esquire, of Springfield,
State of Massachusetts; and

Whitfield Reid, Esquire, of West Springfield,
State of Massachusetts;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry P. Butler, It is ordered that Tilford E. Dudley, Esquire, of Aurora, State of Illinois, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Walter E. Warner, Jr., It is ordered that

Edwin A. Berkery, Esquire, of New York,
State of New York;

Joseph H. Praetz, Esquire, of New York,
State of New York; and

George M. Mulligan, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Brendan F. Brown, It is ordered that James A. Condrick, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Theodore A. Hostetler, It is ordered that Joseph Hart Dasteel, Esquire, of Los Angeles, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James E. Norton, It is ordered that Martin Richardson Glenn, Esquire, of Louisville, State of Kentucky, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Eugene C. Taylor, It is ordered that Rudolph F. Lhotak, Esquire, of Beloit, State of Wisconsin, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jerome J. Screeton, It is ordered that Wilbur Daigh Mills, Esquire, of Kensett, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward A. Aaronson, It is ordered that

Saul Grossman, Esquire, of New York, State of New York; and

B. Robert Bodner, Esquire, of New York, State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dallas S. Townsend, It is ordered that Alexander P. Waugh, Esquire, of Verona, State of New Jersey, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. W. D. Jamieson, It is ordered that Jesse W. Nicholson, Esquire, of Chevy Chase, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Henry C. Parker, It is ordered that Arthur L. Davis, Esquire, of Knoxville, State of Tennessee, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gregory Hankin, It is ordered that

Mollie Gottesman, of New York,
State of New York;

Mary Cooper, of Long Island City,
State of New York;

Ethyl G. Alper, of New York,
State of New York; and

Sylvia D. Levy, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John A. K. Donovan, It is ordered that Edward J. S. Farrell, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward M. English, It is ordered that

Olive Payne Deering, of Cleveland,
State of Ohio;

Lawrence A. Deering, Esquire, of Cleveland,
State of Ohio; and

James A. Butler, Esquire, of Cleveland,
State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Roy Saint Lewis, It is ordered that

Alfred C. Thomas, Esquire, of Oklahoma City,
State of Oklahoma;

Marion H. Parry, Esquire, of Oklahoma City,
State of Oklahoma; and

Thos. R. Blaine, Esquire, of Kingfisher,
State of Oklahoma;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Paul F. Myers, It is ordered that Kenneth P. Reed, Esquire, of Perry, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Dwight D. Taylor, It is ordered that

Thomas J. Curran, Esquire, of New York,
State of New York;

Menahem Stim, Esquire, of New York,
State of New York; and

H. Joel M. Barlow, Esquire, of Washington,
District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. John Kee, It is ordered that Albert W. Reynolds, Jr., Esquire, of Princeton, State of West Virginia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Thomas L. Blanton, It is ordered that William W. Blanton, Esquire, of Albany, State of Texas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William C. Rigby, It is ordered that Rafael Sancho Benet, Esquire, of San Juan, Puerto Rico, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Elphege Desgres, It is ordered that Andrew Kenny, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George E. H. Goodner, It is ordered that Helen Goodner, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Miss Mildred E. Reeves, It is ordered that J. Paul McQueen, Esquire, of Cincinnati, State of Ohio, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George H. Muckley, It is ordered that Augustus G. Goodrich, Esquire, of San Francisco, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. James V. Hayes, It is ordered that Francis A. Mahony, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. William O. Coe, It is ordered that William McKinley Harris, Esquire, of Oklahoma City, State of Oklahoma, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Vincent D. Nicholson, It is ordered that William Joseph Bray, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Gordon Dean, It is ordered that William E. Burby, Esquire, of Beverly Hills, State of California, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Young M. Smith, It is ordered that Sidney McClellan, Esquire, of Grace, State of Idaho, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank J. Wideman, It is ordered that W. H. Harris, Esquire, of Fort Valley, State of Georgia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Donald A. Gardiner, It is ordered that

Albert R. Golrick, Esquire, of Cleveland, State of Ohio; and

Walter F. Liesegang, Esquire, of Cleveland, State of Ohio;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Frank L. Peckham, It is ordered that Earl Brennan, Esquire, of East Westmoreland, State of New Hampshire, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Aaron Harry Crowell, It is ordered that

Harry Melvin Mendelson, Esquire, of Baltimore, State of Maryland; and

Martin Stanton Gordon, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Harry Marselli, It is ordered that Michael J. Ebeling, Esquire, of Saint Louis, State of Missouri, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

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Southern Pacific Company,

Petitioner,

613 vs.

The United States.

On writ of certiorari to the Court of Claims.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Claims, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Claims in this cause be, and the same is hereby, affirmed.

Per Mr. Justice Reed.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds and Mr. Justice Roberts join.

John C. Curry, State Tax Commissioner of the State of Alabama, et al.,

Appellants,

339 vs.

George F. McCanless, as Commissioner of Finance and Taxation of the State of Tennessee.

Appeal from the Supreme Court of the State of Tennessee.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Tennessee, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs in so far as said decree denies the power of the State of Alabama to tax the transfer of an interest in the intangibles in question.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

Mr. Justice Reed concurs in the opinion except as to the statement that "taxation of a corporation by a state where it does business, measured by the value of the intangibles used in its business there, does not preclude the state of incorporation from imposing a tax measured by all its intangibles." Upon this point he reserves his conclusion.

Dissenting opinion by Mr. Justice Butler in which Mr. Chief Justice Hughes, Mr. Justice McReynolds, and Mr. Justice Roberts join.

Mark Graves, John J. Merrill and John P. Hennessey, as Commissioners Constituting the State Tax Commission of the State of New York,

Petitioners,

372 O.T. 1937 vs.

Marion Brown Elliott, Horace P. Phelps, City Bank Farmers Trust Company, et al., etc.

On writ of certiorari to the Surrogate's Court of the County of New York, State of New York.

THIS CAUSE came on to be heard on the transcript of the record from the Surrogate's Court of the County of New York, State of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment or order of the said Surrogate's Court dated May 15, 1937, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Surrogate's Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Stone.

Dissenting opinion by Mr. Chief Justice Hughes in which Mr. Justice McReynolds, Mr. Justice Butler, and Mr. Justice Roberts concur.

The Toledo Pressed Steel Company,

Petitioner,

166 vs.

Standard Parts, Inc.

On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Ohio.

Per Mr. Justice Butler.

Mr. Justice Douglas took no part in the consideration or decision of this case.

The Toledo Pressed Steel Company, Petitioner, vs. Huebner Supply Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

167

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Sixth Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Northern District of Ohio.

Per Mr. Justice Butler.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Montgomery Ward & Company, Inc., Petitioner, vs. The Toledo Pressed Steel Company. — On writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

603

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Second Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the Eastern District of New York for further proceedings in conformity with the opinion of this Court.

Per Mr. Justice Butler.

Mr. Justice Douglas took no part in the consideration or decision of this case.

Newark Fire Insurance Company,

Appellant,

449 vs.

State Board of Tax Appeals and the City of Newark.

Appeal from the Court of Errors and Appeals of the State of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Errors and Appeals of the State of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Errors and Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Justice McReynolds.

Mr. Justice Reed announced an opinion in which the Chief Justice, Mr. Justice Butler, and Mr. Justice Roberts concur.

Mr. Justice Frankfurter announced an opinion in which Mr. Justice Stone, Mr. Justice Black, and Mr. Justice Douglas concur.

Universal Insurance Company and Universal Indemnity Insurance Company,

Appellants,

456 vs.

State Board of Tax Appeals of the State of New Jersey and the City of Newark.

Appeal from the Court of Errors and Appeals of the State of New Jersey.

THIS CAUSE came on to be heard on the transcript of the record from the Court of Errors and Appeals of the State of New Jersey, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Court of Errors and Appeals, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Dissenting: Mr. Justice McReynolds.

Mr. Justice Reed announced an opinion in which the Chief Justice, Mr. Justice Butler, and Mr. Justice Roberts concur.

Mr. Justice Frankfurter announced an opinion in which Mr. Justice Stone, Mr. Justice Black, and Mr. Justice Douglas concur.

Frances Perkins, Secretary of Labor, and Edward J. Shaughnessy, Acting Commissioner of Immigration and Naturalization,

Petitioners,

454 vs.

Marie Elizabeth Elg.

On writ of certiorari and cross writ of certiorari to the United States Court of Appeals for the District of Columbia.

Marie Elizabeth Elg,

Petitioner,

455 vs.

Frances Perkins, Secretary of Labor, Edward J. Shaughnessy, Acting Commissioner of Immigration and Naturalization, et al.

THIS CAUSE came on to be heard on the transcript of the record from the United States Court of Appeals for the District of Columbia, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in the opinion of this Court and, as so modified, affirmed.

AND IT IS FURTHER ORDERED that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of Columbia for further proceedings in conformity with the opinion of this Court.

Per Mr. Chief Justice Hughes.

Mr. Justice Douglas took no part in the consideration and decision of this case.

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The Chief Justice said:

"The orders of the Court appear upon the list certified by the Chief Justice and filed with the Clerk and will not be announced orally."

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Ex parte Edd. Potter,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Ralph Mark,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Lloyd Rubin,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ex parte Harmon Metz Waley,

Petitioner.

—, Original.

ON CONSIDERATION of the application submitted herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The United States of America,

Appellee,

— vs.

Frank Carmine Nardone, et al.,

Defendants-Appellants.

ON CONSIDERATION of the motion for an order releasing the defendants-appellants in the above entitled cause on bail pending an appeal from a judgment of conviction in the District Court of the United States for the Southern District of New York,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Farmers' Loan and Trust Company, as Trustee, etc., et al.,

Petitioners,

614 vs.

Frank Collis Bowers, as Executor, etc.; and

The Farmers' Loan and Trust Company, as Trustee, etc., et al.,

Petitioners,

615 vs.

Frank Collis Bowers, as Executor, etc.

ON CONSIDERATION of the motion of the petitioners for a further

extension of time within which to file a petition for rehearing in these cases,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Reed took no part in the consideration or decision of this application.

Edgar Roy Gump,

Petitioner,

738 vs.

The State of California, et al.

ON CONSIDERATION of the motion to vacate the order of denial, and to reconsider the petition for writ of certiorari in this case as amended,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arthur Matthew Becker,

Petitioner,

971 vs.

Ralph H. Walker, Warden, Connecticut State Prison, Weathersfield, Connecticut.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arthur Matthew Becker,

Petitioner,

971 vs.

Ralph H. Walker, Warden, Connecticut State Prison, Weathersfield, Connecticut.

On petition for writ of certiorari to the Superior Court of Hartford County, State of Connecticut.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Superior Court of Hartford County, State of Connecticut, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Neirbo Company, The A. P. Smith Manufacturing Company, et al.,

Petitioners,

913 vs.

Bethlehem Shipbuilding Corporation, Ltd.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, and the case is assigned for argument immediately following No. 750, Oklahoma Packing Company, et al., v. Oklahoma Gas and Electric Company, et al.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Chief Justice Hughes.

George H. Holley,

Petitioner,

923 vs.

General American Life Insurance Company and George A. S. Robertson, Superintendent, etc.

ON CONSIDERATION of the motion to substitute Ray B. Lucas, present Superintendent of the Insurance Department of the State of Missouri as a party respondent in the place and stead of George A. S. Robertson, deceased,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted, and that the cause be so continued and maintained.

Per Mr. Chief Justice Hughes.

George H. Holley,
Petitioner,
923 vs.
General American Life Insurance Company and Ray B. Lucas, Superintendent, etc.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Sears, Roebuck & Co., Inc.,
Petitioner,
961 vs.
Samson - United Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Mr. Justice Roberts took no part in the consideration or decision of this application.

George C. Chase,
Petitioner,
895 vs.
Harold T. Avery.

On petition for writ of certiorari to the United States Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Court of Customs and Patent Appeals, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Samuel R. Toucey, Petitioner, vs. New York Life Insurance Company. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

897

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Big Lake Oil Company, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

899

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

George C. Shepard, Petitioner, vs. Commissioner of Internal Revenue. — On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

903

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Floyd Hudson,
Petitioner,
908 vs.
Pius Moonier.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Elizabeth Fitch, Executrix of the Estate of Curtis M. Fitch, Deceased,
Petitioner,
909 vs.
Pius Moonier.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Ditto, Incorporated,
Petitioner,
910 vs.
Standard Mailing Machines Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

S. Wallace Dempsey, Petitioner,

911 vs.

Louis H. Pink, as Superintendent of Insurance of the State of New York.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Chicago Great Western Railroad Company, a Corporation, and Patrick H. Joyce and Luther M. Walters, Trustees, Petitioners,

916 vs.

Sam Robinson.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Fred W. Whiteside, Trustee of Standard Coal Mine, Inc., Bankrupt, Petitioner,

917 vs.

The Rocky Mountain Fuel Company, a Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Aron Hirsch, Emil Hirsch, Siegfried Hirsch, et al., etc.,

Petitioners,

920 vs.

Frank Murphy, Attorney General of the United States and W. A. Julien, Treasurer of the United States.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

John Wilson Brown, III,

Petitioner,

924 vs.

Gesellschaft Fur Drahtlose Telegraphie M. B. H., a Corporation.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Hudson & Manhattan Railroad Company, a Corporation, on its own Behalf, etc.,

Petitioner,

925 vs.

John T. Cahill, Individually and as United States Attorney, etc., et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

First National Bank of Chicago, Administrator of the Estate of John F. Jelke,

Petitioner,

929 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

The Baltimore and Ohio Railroad Company,

Petitioner,

931 vs.

Charles E. Spotts.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Boris Speck,

Petitioner,

936 vs.

Lavino Shipping Company, Agent for the Interest of Nippon Yusen Kaisha, Owner of Steamship "Nako Maru."

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Edna Flicker and Joseph C. Akers, as Co-Administrators with the Will Annexed of the Estate of Samuel Rabinovich, Deceased,

Petitioners,

963 vs.

Hortense Rabinovich.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Jenkins Petroleum Process Company,

Petitioner,

510 vs.

Sinclair Refining Company.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Arthur C. Harvey Company,

Petitioner,

vs.

The United States.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Wade H. Cooper,

Petitioner,

377 vs.

J. F. T. O'Connor, et al.

ON CONSIDERATION of the motion for leave to file a second petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

Trustees of Lumber Investment Association,

Petitioner,

625 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Chief Justice Hughes.

O R D E R

The Court will take a recess from today until next Monday, June 5, upon which day it will adjourn for the term.

No motions, except motions for admission to practice, will be received after today.

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Josiah K. Lilly, Jr.,

Petitioner,

52 vs.

Will H. Smith, Collector of Internal Revenue for the District of Indiana.

Motion for leave to file petition for rehearing submitted by Mr. George L. Denny for the Petitioner.

The Electric Storage Battery Co.,

Petitioner,

441 vs.

Genzo Shimadzu and Northeastern Engineering Corporation.

Motion for leave to file a second petition for rehearing submitted by Mr. George W. Betts, Jr., for the Respondent.

Electrical Fittings Corporation, et al.,

Petitioners,

582 vs.

The Thomas & Betts Co., et al.

Motion as to costs submitted by Mr. George W. Betts, Jr., for the Respondents.

Southern Phosphate Corporation, Petitioner, vs. Phosphate Recovery Corporation. 934

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

It appearing to the Court that counsel for the Petitioner has filed a motion to dismiss the petition for writ of certiorari in this case,

Therefore, in pursuance of said motion, IT IS ORDERED by this Court that the petition for writ of certiorari in this case be, and the same is hereby, dismissed.

Per Mr. Chief Justice Hughes.

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Proclamation being made the Court is adjourned until Monday, June 5, next, at 12 o'clock.

Pursuant to adjournment the Court met at The Supreme Court Building.

PRESENT:

Honorable Pierce Butler,
Harlan F. Stone,
Owen J. Roberts,
Hugo L. Black, Associate Justices.
Stanley Reed,
Felix Frankfurter,
William O. Douglas.

Thomas Ennalls Waggaman, Esquire, Marshal,
Charles Elmore Cropley, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Fred C. Gilchrist, It is ordered that Thomas Ellsworth Martin, Esquire, of Iowa City, State of Iowa, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Solicitor General Robert H. Jackson, It is ordered that

Maurice Kelner, Esquire, of Chicago,
State of Illinois;

Edward G. Kemp, Esquire, of Detroit,
State of Michigan; and

John A. Reed, Esquire, of New York,
State of New York;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Ralph G. Pennoyer, It is ordered that Roger Edison Perry, Esquire, of Boston, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Arnold Raum, It is ordered that Maxwell M. Rabb, Esquire, of Brookline, State of Massachusetts, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George L. Quinn, Jr., It is ordered that Joseph Leo McGroary, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Charles F. McLaughlin, It is ordered that Geo. W. Pratt, Esquire, of Omaha, State of Nebraska, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. George W. Dalzell, It is ordered that F. Trowbridge vom Baur, Esquire, of New York, State of New York, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Otis L. Mohundro, It is ordered that John C. Failing, Esquire, of Portland, State of Oregon, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Sam E. Whitaker, It is ordered that Edward C. Hudson, Esquire, of Seattle, State of Washington, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. John S. L. Yost, It is ordered that Chas. W. Smith, Esquire, of Malethorpe, State of Maryland, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mariano A. Erana, It is ordered that Isabel A. Ocampo, of Manila, Commonwealth of the Philippines, be admitted to practice as an Attorney and Counsellor of this Court, and she was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Jerome J. Screeton, It is ordered that Wood T. Henry, Esquire, of Monticello, State of Arkansas, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Linton M. Collins, It is ordered that

Paul Emmert, Esquire, of Jacksonville, State of Florida; and

Joseph F. Elward, Esquire, of Chicago, State of Illinois;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

On motion first made to the Court in this behalf by Mr. Albert F. Beasley, It is ordered that Eugene M. Lorenz, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Edward H. Foley, It is ordered that Donald J. Sherbondy, Esquire, of Washington, District of Columbia, be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr. Hervey S. Knight, It is ordered that

I. Louis Wolk, Esquire, of Washington, District of Columbia; and

Samuel Lebowitz, Esquire, of Washington, District of Columbia;

be admitted to practice as Attorneys and Counsellors of this Court, and they were sworn accordingly.

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The United States of America, Appellant, vs. Rock Royal Co-operative, Inc., et al. — Appeal from the District Court of the United States for the Northern District of New York.

771

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed; and that this cause be, and the same is hereby,

remanded to the said District Court with instructions to enter an order specifically enforcing up to the time of suspension the provisions of Order No. 27, issued by the Secretary of Agriculture August 15, 1938, regulating the handling of milk in the New York marketing area, as to all the defendants and enjoining defendants, their officers, agents and servants, from further violation of the Order.

Per Mr. Justice Reed.

Mr. Justice Black and Mr. Justice Douglas concur in the judgment and in the opinion of the Court except as indicated in their concurrence.

Dissenting opinion by Mr. Justice McReynolds and Mr. Justice Butler.

Dissenting opinion by Mr. Justice Roberts. The Chief Justice joins in this opinion so far as it relates to the invalidity of the order on the ground stated. Mr. Justice McReynolds and Mr. Justice Butler also join in this opinion.

Holton V. Noyes, as Commissioner of Agriculture and Markets of the State of New York,

Appellant,

vs.

Rock Royal Co-operative, Inc., et al.

Appeal from the District Court of the United States for the Northern District of New York.

826

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause dismissing the petition of Holton V. Noyes, as Commissioner of Agriculture and Markets of the State of New York be, and the same is hereby, affirmed with costs.

Per Mr. Justice Reed.

Dairymen's League Co-operative Association, Inc.,

Appellant,

vs.

Rock Royal Co-operative, Inc., et al.

Appeal from the District Court of the United States for the Northern District of New York.

827

THIS CAUSE came on to be heard on the transcript of the record

from the District Court of the United States for the Northern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court with instructions to enter an order specifically enforcing up to the time of suspension the provisions of Order No. 27, issued by the Secretary of Agriculture August 15, 1938, regulating the handling of milk in the New York marketing area, as to all the defendants and enjoining defendants, their officers, agents and servants, from further violation of the Order.

Per Mr. Justice Reed.

Mr. Justice Black and Mr. Justice Douglas concur in the judgment and in the opinion of the Court except as indicated in their concurrence.

Dissenting opinion by Mr. Justice McReynolds and Mr. Justice Butler.

Dissenting opinion by Mr. Justice Roberts. The Chief Justice joins in this opinion so far as it relates to the invalidity of the order on the ground stated. Mr. Justice McReynolds and Mr. Justice Butler also join in this opinion.

Metropolitan Co-operative Milk Producers Bargaining Agency, Inc.,

Appellant,

vs.

Rock Royal Co-operative, Inc., et al.

Appeal from the District Court of the United States for the Northern District of New York.

828

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said District Court with instructions to enter an order specifically enforcing up to the time of suspension the provisions of Order No. 27, issued by the Secretary of Agriculture August 15, 1938, regulating the handling of milk in the New York marketing area, as to all the defendants and enjoining defendants, their officers, agents and servants, from further violation of the Order.

Per Mr. Justice Reed.

Mr. Justice Black and Mr. Justice Douglas concur in the judgment and in

the opinion of the Court except as indicated in their concurrence.

Dissenting opinion by Mr. Justice McReynolds and Mr. Justice Butler.

Dissenting opinion by Mr. Justice Roberts. The Chief Justice joins in this opinion so far as it relates to the invalidity of the order on the ground stated. Mr. Justice McReynolds and Mr. Justice Butler also join in this opinion.

H. P. Hood & Sons, Inc., and Noble's Milk Company,

Petitioners,

772 vs.

The United States of America and Henry A. Wallace, Secretary of Agriculture.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, which cause was brought to this Court before hearing and decision in the Circuit Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the District Court of the United States for the District of Massachusetts, in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds and Mr. Justice Butler join.

Whiting Milk Company,

Petitioner,

809 vs.

The United States of America and Henry A. Wallace, Secretary of Agriculture.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, which cause was brought to this Court before hearing and decision in the Circuit Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the District Court of the United States for the District of Massachusetts, in this cause be, and the same is hereby af-

firmed; and that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds and Mr. Justice Butler join.

E. Frank Branon,

Petitioner,

865 vs.

The United States of America and Henry A. Wallace, Secretary of Agriculture.

On writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the First Circuit, which cause was brought to this Court before hearing and decision in the Circuit Court of Appeals, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the District Court of the United States for the District of Massachusetts, in this cause be, and the same is hereby, affirmed; and that this cause be, and the same is hereby, remanded to the said District Court.

Per Mr. Justice Reed.

Dissenting opinion by Mr. Justice Roberts in which Mr. Justice McReynolds and Mr. Justice Butler join.

Frank Hague, Individually and as Mayor of Jersey City, et al., etc.,

Petitioners,

651 vs.

Committee for Industrial Organization, et al.

On writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

THIS CAUSE came on to be heard on the transcript of the record from the United States Circuit Court of Appeals for the Third Circuit, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered, adjudged, and decreed by this Court that the decree of the said United States Circuit Court of Appeals, in this cause, be, and the same is hereby, modified as indicated in Part Third of the opinion delivered by Mr. Justice Roberts, and as so modified,

affirmed with costs; and that this cause be, and the same is hereby, remanded to the District Court of the United States for the District of New Jersey with directions to modify its decree in accordance with Part Third of the opinion delivered by Mr. Justice Roberts.

Per Mr. Justice Roberts.

Mr. Justice Frankfurter and Mr. Justice Douglas took no part in the consideration or decision of this case.

Mr. Justice Roberts delivered an opinion in which Mr. Justice Black concurs.

Mr. Justice Stone announced an opinion in which Mr. Justice Reed concurs.

Concurring opinion by Mr. Chief Justice Hughes.

Mr. Justice McReynolds and Mr. Justice Butler dissent for reasons stated in opinions by them respectively.

L. W. Baldwin and Guy A. Thompson, as Trustees of Missouri Pacific Railroad Company,

Petitioners,

vs.

Scott County Milling Company.

650

On writ of certiorari to the Supreme Court of the State of Missouri.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, reversed with costs; and that this cause be, and the same is hereby, remanded to the said Supreme Court for further proceedings not inconsistent with the opinion of this Court.

Per Mr. Justice Butler.

American Toll Bridge Company,

Appellant,

vs.

Railroad Commission of the State of California, et al.

704

Appeal from the Supreme Court of the State of California.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Justice Butler.

Mr. Justice Black, Mr. Justice Frankfurter, and Mr. Justice Douglas concur in the result.

Rolla W. Coleman, W. A. Barron, Claude C. Bradney, et al.,

Petitioners,

7 vs.

Clarence W. Miller, as Secretary of the Senate of the State of Kansas, et al.

On writ of certiorari to the Supreme Court of the State of Kansas.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered and adjudged by this Court that the judgment of the said Supreme Court, in this cause, be, and the same is hereby, affirmed with costs.

Per Mr. Chief Justice Hughes.

Concurring opinion by Mr. Justice Black in which Mr. Justice Roberts, Mr. Justice Frankfurter and Mr. Justice Douglas join.

Separate opinion by Mr. Justice Frankfurter in which Mr. Justice Roberts, Mr. Justice Black, and Mr. Justice Douglas join.

Dissenting opinion by Mr. Justice Butler in which Mr. Justice McReynolds joins.

Albert Benjamin Chandler, Individually and as Governor of the Commonwealth of Kentucky, et al.,

Petitioners,

14 vs.

James W. Wise and Ray B. Moss.

On writ of certiorari to the Court of Appeals of the Commonwealth of Kentucky.

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Kentucky, and was argued by counsel.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the

writ of certiorari, in this cause, be, and the same is hereby, dismissed with costs.

Per Mr. Chief Justice Hughes.

Concurring: Mr. Justice Black and Mr. Justice Douglas.

Mr. Justice McReynolds and Mr. Justice Butler think that the judgment of the Court of Appeals of Kentucky should be affirmed on the authority of Dillon v. Gloss, 256 U.S. 368, and for the reasons stated in the dissenting opinion in Coleman v. Miller, decided this day.

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Mr. Justice Butler announced the following orders of the Court:

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City and County of Denver,
Appellant,

vs.

The People of the State of Colorado.

Appeal from the Supreme Court of the State of Colorado.

945

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of California, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Justice Butler.

The Kansas Farmers' Union Royalty Company and Flag Oil Company,
Appellants,

vs.

Samuel P. Mushaw.

Appeal from the Supreme Court of the State of Kansas.

975

THIS CAUSE came on to be heard on the transcript of the record from the Supreme Court of the State of Kansas, and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered by this Court that the appeal herein be, and the same is hereby, dismissed for the want of a substantial federal question.

Per Mr. Justice Butler.

Edwin C. Nevin, Surviving Executor of the Last Will and Testament of Walter Ross McShea, Deceased, et al.,

Appellants,

vs.

J. H. Thayer Martin, Tax Commissioner of the State of New Jersey, et al.

Appeal from the District Court of the United States for the District of New Jersey.

982

THIS CAUSE came on to be heard on the transcript of the record from the District Court of the United States for the District of New Jersey, and on motion to dismiss or affirm, which was duly submitted.

ON CONSIDERATION WHEREOF, It is ordered by this Court that the motion to affirm the decree of the District Court be, and the same is hereby, granted.

AND IT IS FURTHER ORDERED, adjudged, and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby, affirmed with costs.

Per Mr. Justice Stone.

Dissenting: Mr. Justice Butler.

The Chief Justice and Mr. Justice McReynolds took no part in the consideration or decision of this case.

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Mr. Justice Butler said:

"The other orders of the Court appear upon the list duly certified and filed with the Clerk and will not be announced orally."

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O R D E R

Rule 1 of the Copyright Rules heretofore promulgated by this Court (214 U.S., Appendix) is amended, effective September 1, 1939, to read as follows:

"Proceedings in actions brought under section 25 of the Act of March 4, 1909, entitled 'An Act to amend and consolidate the acts respecting copyright', including proceedings relating to the perfecting of appeals, shall be governed by the Rules of Civil Procedure, in so far

as they are not inconsistent with these rules."

Mr. Justice Black does not agree with this action of the Court.

Per Mr. Justice Butler.

In the Matter of the Disbarment
of Pierce Lonergan.
No. —.

It appearing from the record in Lonergan v. United States, No. 1064, October Term, 1937, that Pierce Lonergan, of the State of Washington, a member of the bar of this Court, has been convicted of a felony in the District Court of the United States for the Western District of Washington, and it further appearing to the Court that his resignation as a member of the Washington State Bar Association has been accepted by the Supreme Court of the State of Washington and his name stricken from the roll of attorneys of the State of Washington;

And it appearing that this Court by order dated April 24, 1939, suspended the said Pierce Lonergan from the practice of law in this Court and directed that a rule issue requiring him to show cause within forty days from April 24, 1939, why he should not be disbarred; and that although the rule duly issued and has been served upon him, the said Pierce Lonergan has failed to file any return thereto despite the elapse of forty days from April 24, 1939;

Now, upon consideration of the record in Pierce Lonergan v. United States, No. 1064, October Term, 1937, and upon the rule to show cause and Lonergan's failure to file a return thereto, it is ordered that the said Pierce Lonergan be, and he hereby is, disbarred and that his name be stricken from the roll of attorneys admitted to practice in this Court.

Per Mr. Justice Butler.

Ex parte Joseph J. McCarthy,

Petitioner.

No. —

ON CONSIDERATION of the application of Joseph J. McCarthy for an order allowing an appeal herein,

IT IS ORDERED by this Court that the said application be, and the same is hereby, denied.

Per Mr. Justice Butler.

Joseph Poresky,

Petitioner,

— vs.

Joseph B. Ely.

ON CONSIDERATION of the petition of Joseph Poresky for appeal herein,

IT IS ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Ex parte Fred Hartzell West,

Petitioner.

—, Original.

ON CONSIDERATION of the motion for leave to file a petition for writ of habeas corpus herein,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Butler.

Commonwealth of Massachusetts,

Complainant,

—, Original. vs.

State of Missouri.

This cause is set for hearing on Monday, October 9, next, on the motion for leave to file Bill of Complaint and the returns to the rule to show cause, argument to be limited to the question whether this Court has jurisdiction to entertain the suit.

Per Mr. Justice Butler.

Newark Fire Insurance Company,

Appellant,

449 vs.

State Board of Tax Appeals and the City of Newark; and

Universal Insurance Company, et al.;

456 vs.

State Board of Tax Appeals of the State of New Jersey and the City of Newark.

It is ordered that the opinion of Mr. Justice Reed entered on May 29, 1939, be corrected by striking therefrom the words at the end thereof:

"The judgments in both cases are affirmed."

Per Mr. Justice Butler.

The Electric Storage Battery Co.,

Petitioner,

441 vs.

Genzo Shimadzu, et al.

ON CONSIDERATION of the motion of the respondents for leave to file a second petition for modification of the decision and judgment of this Court and for recall and modification of its mandate,

IT IS ORDERED by this Court that the said motion for leave to file be, and the same is hereby, granted. The opinion is amended by striking out of the second full paragraph on page 12, in the first line, the word "that" and the words "is invalid", and inserting, after the word "decision", the words "as to". In other respects the petition is denied.

Per Mr. Justice Butler.

Electrical Fittings Corporation, et al.,

Petitioners,

582 vs.

The Thomas & Betts Co., et al.

ON CONSIDERATION of the motion of the respondents to tax the costs in this case against the petitioners,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Butler.

Big Lake Oil Company,

Petitioner,

899 vs.

Commissioner of Internal Revenue.

ON CONSIDERATION of the motion of the petitioner for an extension of time within which to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Butler.

John D. Ball,

Petitioner,

959 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed in forma pauperis in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Butler.

Ellis H. Parker and Ellis H. Parker, Jr.,

Petitioners,

947 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Butler.

Ellis H. Parker and Ellis H. Parker, Jr.,

Petitioners,

947 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Joseph A. Zahn,

Petitioner,

957 vs.

Robert H. Hudspeth, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Butler.

Joseph A. Zahn,

Petitioner,

957 vs.

Robert H. Hudspeth, Warden, United States Penitentiary, Leavenworth, Kansas.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Tenth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Tenth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Louis Martini,

Petitioner,

962 vs.

James A. Johnston, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Butler.

Louis Martini,

Petitioner,

962 vs.

James A. Johnston, Warden, United States Penitentiary, Alcatraz, California.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

John Semar Farnsworth,

Petitioner,

974 vs.

Joseph W. Sanford, Warden, etc.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Butler.

John Semar Farnsworth,

Petitioner,

974 vs.

Joseph W. Sanford, Warden, United States Penitentiary.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

A. H. Hargis,

Petitioner,

980 vs.

King Swope, Judge of the Fayette Circuit Court, et al.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Butler.

A. H. Hargis,

Petitioner,

980 vs.

King Swope, Judge of the Fayette Circuit Court, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Jim X. Carruthers and Bubbles Clayton,

Petitioners,

984 vs.

Al Reed, Keeper of the Arkansas State Penitentiary.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Butler.

Jim X. Carruthers and Bubbles Clayton,

Petitioners,

984 vs.

Al Reed, Keeper of the Arkansas State Penitentiary.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Richard A. Engler,

Petitioner,

989 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Butler.

Richard A. Engler,

Petitioner,

989 vs.

The United States of America.

On petition for writ of certiorari to the United States Court of Appeals for the District of Columbia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Appeals for the District of Columbia, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Walter H. Jurgensen,

Petitioner,

1004 vs.

The State of Nebraska.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Butler.

Walter H. Jurgensen,

Petitioner,

1004 vs.

The State of Nebraska.

On petition for writ of certiorari to the Supreme Court of the State of Nebraska.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Nebraska, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

The United States,

Petitioner,

940 vs.

John McShain, Inc.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Court of Claims is granted. And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Butler.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

943 vs.

Compagnie Generale Transatlantique.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Butler.

Joseph D. McGoldrick, Comptroller of the City of New York,

Petitioner,

944 vs.

Felt & Tarrant Mfg. Co.

Order allowing certiorari.

The petition herein for a writ of certiorari to the Supreme Court of the State of New York is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Butler.

The United States of America,

Petitioner,

951 vs.

Honorable Patrick T. Stone, United States District Judge for the Western District of Wisconsin.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Butler.

Jean McNeil Pepper,

Petitioner,

914 vs.

Scott Litton.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Butler.

Interstate Natural Gas Company and United States Fidelity and Guaranty Company,

Petitioners,

998 vs.

A. H. Stone, Commissioner of Franchise Tax and United States Fidelity and Guaranty Company.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit is granted.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Butler.

Joseph J. Weiss, Martin Gross, et al.,

Petitioners,

939 vs.

The United States of America.

ON CONSIDERATION of the motion for leave to proceed further herein in forma pauperis,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, granted.

Per Mr. Justice Butler.

Joseph J. Weiss, Martin Gross, Dr. George Krupp and Dr. Maximilian Goldstein,

Petitioners,

939 vs.

The United States of America.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit is granted, limited to the question whether the trial court properly received in evidence intercepted telephone communications.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Butler.

The United States of America,

Petitioner,

993 vs.

Mrs. Julia Caroline Sponenbarger, et al.

Order allowing certiorari.

The petition herein for a writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit is granted, and the case is assigned for argument immediately following No. 845, Franklin, et al., vs. United States of America.

And it is further ordered that the duly certified copy of the transcript of the proceedings below which accompanied the petition shall be treated as though filed in response to such writ.

Per Mr. Justice Butler.

William J. Graham and James C. McKay,

Petitioners,

891 vs.

The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari here-

in to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Boies Head and Allen Comer,
Petitioners,
901 vs.
The United States of America.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

C. B. Loomis, Trustee in Bankruptcy of Miami Trust Company, Debtor,
Petitioner,
894 vs.
County of Gila, State of Arizona, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

The City of Los Angeles, a Municipal Corporation,
Petitioner,
915 vs.
Borax Consolidated Limited, an English Corporation, and Pacific Coast Borax Company, a Nevada Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Ninth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Ninth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Marshall County Bank, a Corporation of Moundsville, West Virginia,

Petitioner,

921 vs.

Mary K. Crowther.

On petition for writ of certiorari to the Circuit Court of Marshall County, State of West Virginia.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Circuit Court of Marshall County, State of West Virginia, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Belk Brothers Company of Charlotte,

Petitioner,

922 vs.

A. J. Maxwell, Commissioner of Revenue of the State of North Carolina.

On petition for writ of certiorari to the Supreme Court of the State of North Carolina.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of North Carolina, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

C. E. Partridge (in Whose Name Finis P. Ernest III Prosecutes Said Suit) and V. A. Hall,

Petitioners,

926 vs.

William W. Martin, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Eighth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Eighth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Agnes Gliwa, Peter C. Faust and William E. Carothers, etc., et al.,

Petitioners,

927 vs.

United States Steel Corporation, Carnegie Steel Company, Clairton By-Product Coke Company, et al.

On petition for writ of certiorari to the Supreme Court of the Commonwealth of Pennsylvania.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the Commonwealth of Pennsylvania, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Park & Tilford Import Corporation,

Petitioner,

928 vs.

The United States.

On petition for writ of certiorari to the United States Court of Customs and Patent Appeals.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Court of Customs and Patent Appeals, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Bethlehem Shipbuilding Corporation, Ltd., et al.,

Petitioners,

933 vs.

Frank A. Cardillo, et al.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the First Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the First Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Court Line, Ltd., Owner of the Steamship "Quarrington Court" for Exoneration From or Limitation of Liability,

Petitioner,

935 vs.

Isthmian Steamship Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Second Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Second Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Mohawk Rubber Company,

Petitioner,

937 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Thorne Donnelley,
Petitioner,
938 vs.
Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Fruit Industries, Ltd.,
Petitioner,
941 vs.
Bisceglia Brothers Corporation.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Third Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Third Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

E. V. Townshend, Trustee in Bankruptcy of R. R. Smith, Bankrupt,
Petitioner,
948 vs.
Union Trust Company of Maryland.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fourth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fourth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Truscon Steel Company, Employer and London Guarantee and Accident Company, Insurer,

Petitioners,

956 vs.

Myrtle Elizabeth Sims.

On petition for writ of certiorari to the Supreme Court of the State of Missouri.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Supreme Court of the State of Missouri, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Thomas Schumacher and Sidney M. Ehrman, Trustees of the Western Pacific Railroad Company, et al.,

Petitioners,

973 vs.

Victor Edward Smith.

On petition for writ of certiorari to the District Court of Appeal of the State of California, 3rd Appellate District.

ON CONSIDERATION of the petition for a writ of certiorari herein to the District Court of Appeal of the State of California, 3rd Appellate District, and of the argument of counsel thereupon had,

IT IS NOW HERE ORDERED by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

The Chickasaw Nation,

Petitioner,

880 vs.

The United States.

On petition for writ of certiorari to the Court of Claims.

ON CONSIDERATION of the petition for a writ of certiorari herein to the Court of Claims and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Trustees of Lumber Investment Association,

Petitioner,

960 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Burnette F. Stephenson,

Petitioner,

966 vs.

Commissioner of Internal Revenue.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Sixth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Sixth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Kathryn M. Schermann,

Petitioner,

964 vs.

Yellow Cab Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Lena D. Price-Williams,

Petitioner,

946 vs.

New York Life Insurance Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Fifth Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Fifth Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Benjamin D. Ritholz, Morris I. Ritholz, Samuel Ritholz, et al.,

Petitioners,

986 vs.

American Optometric Association.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

James M. Slattery, et al., The Persons Constituting the Illinois Commerce Commission, et al.,

Petitioners,

965 vs.

Illinois Bell Telephone Company.

On petition for writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit.

ON CONSIDERATION of the petition for a writ of certiorari herein to the United States Circuit Court of Appeals for the Seventh Circuit, and of the argument of counsel thereupon had, it is now here ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Mr. Justice Frankfurter took no part in the consideration or decision of this application.

Josiah K. Lilly, Jr.,

Petitioner,

52 vs.

Will H. Smith, Collector of Internal Revenue for the District of Indiana.

ON CONSIDERATION of the motion for leave to file a petition for rehearing in this case,

IT IS ORDERED by this Court that the said motion be, and the same is hereby, denied.

Per Mr. Justice Butler.

Bethlehem Steel Company,

Petitioner,

591 vs.

Anglo-Continentale Treuhand, A. G., et al.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Randolph Lumber Company,

Petitioner,

743 vs.

Guy T. Helvering, Commissioner of Internal Revenue.

A petition for rehearing having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

Horton C. Rorick,

Petitioner,

676 vs.

Devon Syndicate, Limited.

A petition for rehearing or for amendment of opinion having been filed in this case,

UPON CONSIDERATION THEREOF, It is ordered by this Court that the said petition be, and the same is hereby, denied.

Per Mr. Justice Butler.

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Mr. Justice Butler announced the following order:

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O R D E R

All cases submitted and all business before the Court at this term in readiness for disposition having been disposed of,

IT IS ORDERED by this Court that all cases on the docket not decided and all other business of the term not disposed of be, and the same hereby are, continued to the next term.

Per Mr. Justice Butler.

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Proclamation being made the Court is adjourned to the time and place appointed by law.